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**A CLASH OF PERSPECTIVES: OVERCOMING THE IMPASSE
THE RELATIONSHIP BETWEEN THE ARMY AND CONGRESS**

BY

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A Clash of Perspectives: Overcoming the Impasse The Relationship between the Army and Congress

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A Clash of Perspectives: Overcoming the Impasse

The Relationship Between the Army and Congress

LTC Noreen Holthaus
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Executive Summary

To establish and optimize the Army's leverage with Congress, the Army senior leadership must develop a strong and supportive relationship with Members of Congress and their staffs. The prevailing perception of congressional staff members is that the Army not only does poorly when dealing with Congress but is consistently less effective than the other military services on the Hill. This problem cannot be attributed to one administration or personality. It has been a continuing dilemma for years. Major modifications to the Army's business practices appear to be the most beneficial means for recovery.

Methodology

Our research included over 60 personal interviews with professional and personal congressional staff members of both the House and Senate authorization and appropriations committees, Army senior civilian and current and former military leaders, and academicians. Additionally, two of the authors have recent and extensive experience working in the Army Legislative Liaison Office and the Army Congressional Budget Liaison Office.

Major Findings

- Congress recognizes the legislative liaison function as an essential component in its relationship with the Army. The two organizations responsible for conducting liaison activities with Congress, the Office of the Chief, Legislative Liaison and the Army Congressional Budget Liaison Office, periodically do not speak with one voice, which causes confusion and distrust among Members and their staffs.
- The Army inadequately communicates to Congress core and essential elements to its mission and does not appropriately consider the needs of the congressional audience. Neither the message nor the priorities of the Army are well understood by Congress. Conversely, the Army has difficulty understanding the needs of the congressional audience. Therefore, the message and the means of conveying the message are not tailored to satisfy the needs of either Congress or the Army.

- Many Army officers lack an understanding of the fundamentals of working with Congress and reluctantly accept the constitutionally mandated oversight responsibilities of Congress.

Conclusions

Many of the findings concern operational deficiencies and can be attributed simply to the lack of:

- Coordination between the two offices responsible for conducting legislative liaison with the congressional authorization and appropriations committees.
- Effective communications.
- Education concerning Congress.

Others are underling strategic problems and include:

- Cultural differences between the Army and Congress.
- Lack of strategic planning and vision.
- Lack of senior leadership involvement with Congress.

An overall congressional strategy that systematically examines the long-term nature of the Army-Congressional relationship in which senior leadership plays an active and continuing role is key to change the latter three points.

Recommendations

- Under the provisions of Public Law 92-463, *the Federal Advisory Committee Management Act*, establish an independent Department of the Army Strategic Advisory Board for Congressional Relations to develop a process to address problems associated with the relationship between the Army and Congress. The recommended timeframe to implement the advisory board is Fiscal Year 2000 following transition of the Army senior military leadership.

This advisory board:

- Reports directly to the Secretary of the Army.
- Provides senior leaders consultation on strategic planning to improve the working relationship with Congress.

- Provides an objective and balanced perspective from individuals familiar with both the Army and Congress and who understand the implications and benefits of a cooperative working relationship.

This recommendation will provide the means to develop a basic structure to facilitate the needed changes for a sustained strategic framework to deal with Congress.

Recommendations to address the specific findings listed above include:

- Conduct an organizational analysis of the Office of the Chief, Legislative Liaison and the Congressional Budget Liaison Office to determine whether a structural change is required. At a minimum, reinforce or establish procedures to ensure strict coordination and synchronization by both offices of all information and activities pertaining to the Hill.
- Develop long-term strategy to ensure the message is specifically tailored for the audience, adequately identifies the Army's position and requirements, and addresses congressional interests and requirements.
- Develop an intensified program of instruction to be taught at each level of the Professional Development Education Program in an effort to ensure a common and consistent methodology in dealing with Congress.

Chapter One

An Alien World

Congress works in ways not fully understood or appreciated by those trained in and accustomed to a more structured environment. The military is a world built on organization, discipline, and command that must adapt to one built on individual independence, conflicting goals, and compromise.

*Working With Congress*¹

Congress is charged by the Constitution with the responsibility of raising and supporting armies. For Congress to fulfill its responsibility and ensure that authorizations and appropriations reflect the true needs of the Army, Members of Congress must understand the Army's requirements. Senior Army civilian and military leaders must recognize and accept their responsibility not only to properly advise Congress and ensure that Members and their staffs have the information needed to support the Army but also to understand the environment in which Congress works. Therefore, a strong and supportive relationship between Congress and the Army is imperative.

One liaison officer described the relationship between the Army and Congress this way: "I grew up in the Army understanding that there were three great enemies: the Soviet Union, the Press and the Congress." This statement reflects a common theme throughout our research. The Army's ability to deal with Congress is not a new topic of discussion. Within the past ten years, two separate studies examined the Army-Congressional relationship in depth: *Army Relations with Congress: The Impact of Culture and Organization*,² a doctoral dissertation by Stephen Scroggs, and *Working with Congress: Improving The Military-Congressional Relationship*,³ a Harvard National Security Fellows (NSF) paper. Both the Scroggs and NSF papers found similar deficiencies and provided related and useful recommendations. Executive summaries of the Scroggs dissertation and the NSF paper are at Appendices A and B respectively. In our discussions with the Army Congressional Legislative Liaison Office, initiatives already implemented to build and maintain the Army's relationship and enhance its position with the Hill were presented. Yet in our recent interviews with over 35 congressional staff members from the House and Senate Defense-related committees in which we asked specific and detailed questions

concerning the current Army-Congressional relationship, it appears no real lasting change has occurred.

The congressional staff routinely gave the Army leadership poor marks when asked how the Army relates to the Hill. Various professional and personal staff members made the following comments:

- Army generals responsible for the programs that one Professional Staff Member was accountable for on the committee rarely contacted him, although he considered the interaction critical in preparing appropriate legislation. He added that you cannot have a beneficial working relationship based on personal contact every six months.
- The Army senior leadership must get involved if the Army's relationship with the Hill is to improve. If the Army leadership is not engaged, the Army will get rolled.
- General officers must consider Congress a friend and learn how to use that friendship to meet the Army's needs.
- Dealing with Congress is an art that must be developed. Too often, Army general officers have not developed the leadership style needed to deal with the Congress.

Although we did not specifically intend to compare the Army to the other services and their relations with Congress, many of the congressional staff members were quick to rank the Army as the least effective military service on the Hill. Several staff members found the Army, compared to the other services, to lack an understanding of the roles and responsibilities of Congress. Another Professional Staff Member commented that unlike the Army, the other services work the authorization and appropriations committees in a unified and consistent manner. The Army is the least effective of the services in providing a consistent story. Several staff members attributed these problems to a lack of access to senior leadership by the legislative liaison offices.

Why have we not seen a significant change in our relationship with Congress? If previous recommendations have not succeeded in improving the relationship, how can the Army change the perceptions of Congress and create a fertile environment for good relations and a smooth and successful legislative process?

Previous and current Army legislative liaison reform initiatives to improve the relationship with Congress appear to be good starting points. However, from our perspective these initiatives tend to focus on short-term fixes and do not address the larger issues. There is a

lack of a long-term strategic framework, while the underlying crux of the problem -- i.e., dealing with a world totally alien from that of the Army -- is overlooked. Based on our preliminary findings, we decided to study this dilemma again to determine how to overcome the impasse between the Army and Congress.

In past studies and our interviews, the continued poor relationship has been attributed to many factors. Some are operational in nature such as:

- Lack of coordination between the two offices responsible for conducting legislative liaison with the congressional authorization and appropriations committees.
- Lack of effective communications.
- Lack of education concerning Congress.

Other problems are more difficult and ambiguous, with the resolutions not readily apparent or easily implemented, such as:

- Significant cultural differences between the Army and Congress.
- Lack of strategic planning and vision.
- Lack of senior leadership involvement with Congress.

Our first step was to study the more tangible operational problems. We categorized the problems into three overarching areas and formulated recommendations for each group as it affects Congress. Each is discussed in detail in Chapter Three.

- **Organization.** Improve the Army's internal organization and relations between the offices responsible for Army liaison to the Defense authorization and appropriation committees.
- **Communications.** Develop a systematic method of communications to ensure the message, messenger, timing, and packaging appropriately influence the outcome.
- **Education.** Formalize education at each level of Army professional development for Army leaders and future leaders to ensure a broad understanding of how to progressively improve and maintain the Army-Congressional relationship.

We presented these broad recommendations to over 10 current and former senior Army military and civilian leaders asking them for their insights as to whether these recommendations were correct, adequate, feasible, and/or reasonable. We also queried them about the pitfalls and possible alternative solutions. The consensus among those interviewed was that the three recommendations were appropriate, necessary, and should, in principle, be reasonably easy to

implement. However, many of the senior leaders stated that these recommendations were previously known and had been discussed in the past with no corrective action taken. Several senior military leaders stated that the primary reason positive change to the Army-Congressional relationship is not realized is that the Army culture is out of sync with the culture of the Congress. As one senior Army military leader explained it, the Army has a cultural bias against political matters. The Army tends to salute and execute rather than engage and persuade. The Army does not view Congress as a partner, but rather as an adversary and a source of irritation.

No quick fixes exist when examining possible methods to modify culture. According to Edgar H. Schein in *Organizational Culture and Leadership*, “changing deeply imbedded assumptions requires far more effort and time.”⁴ In fact, according to Jan Shubert,⁵ one does not change the culture of an organization, but rather, culture is an outgrowth of structure, tasks, and strategy. Therefore, to affect culture, one should change the tasks of an organization and ensure they are synchronized with the strategy. Taking this one step further, we would argue that without a viable strategy to systematically examine the long-term nature of this relationship, the new tasks, or operational changes, are subsequently inconsequential. That strategy must be formulated and implemented from the executive level of the organization.

The importance of establishing an overall congressional strategy was reiterated several times during our senior leader interviews. According to a retired senior Army general, other problems cannot be addressed until senior leadership establishes and maintains a coherent congressional strategy. Another retired general officer stated that in his opinion the Army has identified numerous individual initiatives to improve the Army’s position on the Hill, but there appears to be no grand strategy, and without a strategy, a strong operational or tactical approach is ineffective and futile.

Senior Army civilian and military leaders must determine the strategic goals and take an active and aggressive role in ensuring that Congress provides for the Army. As emphasized by one retired general officer, it is incumbent upon the Army leadership to ensure that general officers visiting the Hill know and understand the Army’s message and priorities. He believes it is inappropriate to expect general officers who are not familiar with the most current policy issues to visit the Hill when in Washington without the proper background information. The message and priorities transmitted must be coordinated and consistent throughout the Army.

Based on our discussions with senior leadership, we determined that correcting only the organizational, structural, communications, and attitudinal problems, although extremely important, are insufficient to overcome the impasse in the relationship between Congress and Army leadership. A long-term strategy is essential to unify the effort and present a coherent message to the Congress. Senior leadership must play an active and continuing role if we are to realistically effect the necessary changes to enhance the Army-Congressional relationship. To ensure institutional commitment, our primary recommendation is to establish an Army Strategic Advisory Board for Congressional Relations to the Secretary of the Army. This board would be strictly advisory in nature and would systematically examine the strategic long-term nature of the relationship between the Army and Congress starting with the following areas:

1. **Organization.**
2. **Communications.**
3. **Education.**

Again, the intent of this paper is to bring to the forefront a dilemma that has existed for an extended period of time and to propose viable recommendations for improving the Army-Congressional relationship. Although many of the findings and recommendations are similar to previous studies, no substantive change in the Army-Congressional relationship has occurred. Therefore, we look forward to making a constructive difference by formulating the concept of an advisory board, which would serve to facilitate and expedite a positive change in the relationship. The recommendation of an advisory board to advise senior Army leadership on improving Army-Congressional relations, to the best of our knowledge, has not been previously implemented.

In the following chapters we will:

- Discuss the advisory board recommendation: its concept, objectives and scope, membership, advantages and disadvantages, and specifics on how to establish the board.
- Provide extensive details on our findings and recommendations for the three primary categories where we believe specific operational changes could immediately improve the relationship.

Chapter One Endnotes

¹ Gayle Adcock, Patrick Downing, Peter Paulson, and John Riggs, *Working with Congress: Improving The Military-Congressional Relationship* National Security Program Discussion Paper, Kennedy School of Government, Harvard, 1989, 102.

² Stephen K. Scroggs, *Army Relations with Congress: The Impact of Culture and Organization* diss., Duke University, 1996, 1.

³ Adcock 1.

⁴ Edgar H. Schein, *Organizational Culture and Leadership* (San Francisco, Jossey-Bass, 1992) 297.

⁵ Jan Shubert is an Adjunct Lecturer at the John F. Kennedy School of Government. From 1993-1997 she was Lecturer and Director of the Communications Program. She taught Organizational Behavior at the London Business School. As a faculty member at the Harvard Business School she taught courses in management communications. In addition to teaching and consulting she designed a book on communication and change in international organization published in 1994 as part of the Financial Times/Pitman Publishing series for senior managers.

Chapter Two

Army Strategic Advisory Board For Congressional Relations

Based on our interviews with congressional staff members and senior Army leadership and our review of previous research, it is apparent that the strained relationship between the Army and Congress has existed for some time. Quite simply, the Army has no clear organized method to systematically examine the long-term nature of the relationship between itself and Congress or to translate the results of such an examination into a well-developed strategy. A structured approach is needed to:

- Develop and periodically adjust an Army long-term congressional strategy.
- Ensure issues regarding the Army's relationship with Congress are placed on the planning agenda.
- Ensure these long-range strategic plans are incorporated into operational planning and programming systems and processes within the Army.
- Synchronize the strategy and operational plans with the intent of Congress.

RECOMMENDATION

We strongly recommend that an independent Department of the Army Strategic Advisory Board for Congressional Relations be established for the purpose of developing a process to address the problems associated with the relationship between the Army and Congress. The ultimate goal is to provide an objective and balanced perspective from individuals familiar with both the Army and Congress and who understand the implications and benefits of a cooperative working relationship. The advisory board would be established under the provisions of Public Law 92-463, the Federal Advisory Committee Management Act.⁶ The board would report directly to the Secretary of the Army for the purposes of developing a structured process to address problems associated with the relationship between the Army and Congress. This board would provide senior Army leaders consultation on strategic planning to improve the working relationship with Congress.

An advisory board has many inherent advantages. For example, a board can provide an opportunity for shared wisdom, offering knowledge, insight, and personal contacts of a group of highly qualified people who have widespread spheres of influence. Additionally, advisory boards serve a strategic role where the directors use the corporate mission statement as a guide to assist in developing, implementing, and monitoring the organization's strategies to achieve its designated goals. The last and most important advisory board role is the ability of the board to span the gap between the organization and the changing external environment in which the organization operates. In this capacity, a board provides its greatest value.

An example of how the advisory board concept can span the gap as a flexible administrative tool can be found in the Chief of Naval Operations (CNO) Executive Panel, established in the early 1970's. The charter of the CNO's Executive Panel is very broad in nature. In fact, the Navy's board may advise the CNO on any question concerning national seapower. According to the CNO's advisory board charter, the creation of task forces (sub-committees or groups under the CNO's panel) may be established to conduct detailed examinations of specific matters related to national seapower.

Not unlike the CNO's Executive Panel, we see an independent Department of the Army Strategic Advisory Board for Congressional Relations as the relevant and flexible tool to address the impasse of effective relations between the Army and Congress. A copy of the Chief of Naval Operations Executive Panel charter and a sample charter for the Army Strategic Advisory Board for Congressional Relations as well as other related documents can be found at Appendices C and D respectively.

OBJECTIVES AND SCOPE:

- The board functions solely in an advisory capacity without empowerment to make policy or management decisions.
- The Secretary of the Army determines subject matters to be reviewed by the board.
- Observations and recommendations are forwarded through the board chairperson (or designated member) to the Secretary of the Army in executive session or written reports.

- The Secretary of the Army directs the chairperson (or designated members) to assign specific, time-sensitive subjects to be examined by ad-hoc groups of board members, as needed.
- The board meets regularly four times each year and at other times as may be called by the Secretary.
- The board is not established or intended to advise the Secretary on individual procurement issues. No matter is assigned to the board for its consideration that would require any board member to participate personally and substantially in the conduct of any specific procurement or place them in a position of acting as a procurement official, as that term is defined pursuant to law.
- The board is subject to renewal every two years.

MEMBERSHIP:

The board would be composed of a distinguished group representing retired general officers, defense-related business and corporate members, former Members of Congress, congressional staff members, and academicians.

ADVANTAGES:

- **Continuity.** Provides consistency for strategic planning, recognizing the frequent rotation of key Army civilian and military leaders.
- **Balanced emphasis.** Places equal importance on the strategic and operational perspectives.
- **Experience.** Offers valued insights into the legislative process outside of the uniformed services.
- **Impartiality.** Gives advice that is free from the internal bureaucratic spin.

DISADVANTAGES:

- **Duplication.** The Army currently has the Office of the Chief, Legislative Liaison and the Congressional Budget Office. Both report to the Secretary of the Army as his liaisons with Congress. Some may see the establishment of the advisory board as

redundant; however, the two offices have a much narrower perspective when presenting the Army's interests to Congress as compared to that of a strategic, advisory board. In fact, we believe these two offices are unable to effectively address many of the systemic issues affecting the Army's relationship with Congress because of their close proximity to the issues. The board would not affect the functions of the liaison offices as the official Army channel for congressional information.

- **Non-Acceptance.** The Army bureaucracy could simply marginalize the effectiveness of this board. An advisory board could be viewed as another passing fad within the bureaucracy unless the senior civilian and military leadership buy into this concept. According to an official working on the Chief of Naval Operations Executive Panel, an unfailing commitment to the board process is required at the most senior levels to overcome the inertia of the bureaucracy to reject the advisory board process. Additionally, the same source commented that the reputations of the members generally overcome bureaucratic resistance to considering their advice.
- **Politics.** Political agendas of board members could influence board recommendations. The process of identifying qualified members of the board who are politically unbiased is absolutely essential. One individual familiar with one of the Army advisory boards stated that selecting the right mix of people in terms of skill sets and personalities from the political and private sectors is the most difficult yet important component of an advisory board. However, this same individual stated that balanced membership, composed of individuals ready to take on the role of an honest broker, will in effect police themselves. Ample expertise exists within the Department of Defense (DoD), which would allow for the identification and selection of highly qualified and credentialed individuals who could serve in an advisory board capacity. For example, the CNO's Executive Panel membership is diverse. It includes a former ambassador, university professors from Harvard and Yale, former senior corporate officers from Lockheed Martin and AT&T, and a Senior Fellow at the Council on Foreign Relations. According to an official who works with the CNO's Executive Panel, the diverse backgrounds of the panel members does not allow individual political interests to ultimately dominate the results of their advisory board findings and recommendations.

ESTABLISHING AN ADVISORY COMMITTEE

Within the Department of Defense, the Directorate for Organizational and Management Planning is responsible for the establishment and administration of federal advisory committees. Advisory committees are managed under the guidelines of Public Law 92-463, the Federal Advisory Committee Management Act, and Department of Defense Directive 5105.4 for Federal Advisory Committees.⁷ As of 1998, the Department of Defense had 64 advisory committees registered with the General Services Administration, Directorate for Organizational and Management Planning.⁸ The US Army Science Board, the US Military Academy Board of Visitors, and the US Army Coastal Engineering Research Board are examples of advisory boards specifically established to independently advise the Army leadership under the provisions of the Advisory Committee Act. Copies of Public Law 92-463 and the Department of Defense Directive 5105.4 are located at Appendices E and F respectively.

MAJOR REQUIREMENTS FOR DEPARTMENT OF DEFENSE FEDERAL ADVISORY COMMITTEES:

- A justification statement explaining how the board will serve the public interest.
- Estimated annual costs.
- A charter for the proposed board.
- Membership that must be approved by the Secretary of Defense.
- Board meetings that are open to the public.
- Board records and reports, as well as detailed minutes of each meeting.
- A designated officer or government employee who will chair or attend each meeting.

Procedures for establishing and operating DOD Federal Advisory Committees can be reviewed at Appendix G.

HISTORICAL BACKGROUND:

In 1972, Congress enacted Public Law 92-463, 5 USC, the Federal Advisory Committee Act. According to the July 1998 General Accounting Office report on the Federal Advisory

Committee Act, Congress recognized the value of advisory committees to public policymaking. The public law includes stipulations and measures to ensure the following:

- Valid needs exist for establishing and continuing advisory committees.
- The committees are properly managed and their proceedings are open, as feasible, to the public.
- Congress is kept informed of the committees' activities.

Under the Federal Advisory Committee Act, the President, the Director of the Office of Management and Budget, and agency heads are to control the number, operations, and costs of advisory committees.⁹

The Act not only formalized a process for establishing, operating, overseeing, and terminating these advisory bodies, but also created the Committee Management Secretariat at the Office of Management and Budget whose task it is to evaluate and monitor Executive Branch compliance with the Act. In 1976, Executive Order 12024 delegated to the Administrator of the General Services Administration all responsibilities of the President for implementing the Act.¹⁰ A copy of this executive order can be found at Appendix H.

The Committee Management Secretariat working through the General Services Administration is responsible for developing administrative guidelines and applicable management and oversight controls to advisory committees government-wide. Information addressing training, applicable regulations, laws, required reports, and guidance concerning advisory committees can be found at the Committee Management Secretariat Home Page <http://policyworks.gov/org/main/mc/index.htm>.

Chapter Two Endnote

⁶ Committee Management Secretariat Page General Services Administration 15 April 1999 <http://policyworks.gov/org/main/mc/index.htm>.

⁷ Washington Headquarters Services, Directives and Records Branch (Directives Section). 15 April 1999 <http://web7.whs.osd.mil/dodiss/directives/direct7.htm>

⁸ Committee Management Secretariat Page General Services Administration 15 April 1999 <http://policyworks.gov/cms/RptDFO.asp>

⁹ US General Accounting Office, Report to Congressional Requestors, *Federal Advisory Committee Act* (Washington: Government Printing Office, 1998) 1.

¹⁰ Committee Management Secretariat Page General Services Administration 15 April 1999 <http://policyworks.gov/org/main/mc/cam1204.htm>.

Chapter Three

Organize, Communicate and Educate

As previously discussed, our major recommendation is the formulation of an Army Strategic Advisory Board for Congressional Relations. Based on our findings, we will now detail some specific operational items the board might address to improve the working relationship between the Army and Congress. We categorize our recommendations under three broad headings:

- **Organization**
- **Communications**
- **Education**

They encompass the recommendations from the Scroggs dissertation, the 1989 NSF report, and our congressional interviews and are the most practical and viable first steps to ensuring effective results in relation building.

ORGANIZATION

Improve the Army's internal organization and relations between the office responsible for Army liaison to the Defense authorization committees and the office responsible for Army liaison to the Defense appropriations committees.

Finding

Congress recognizes the legislative liaison function as an essential component in its relationship with the Army. The two organizations responsible for conducting liaison activities with Congress, the Office of the Chief, Legislative Liaison and the Army Congressional Budget Liaison Office, periodically do not speak with one voice, which causes confusion and distrust among Members and their staffs.¹¹

Recommendation

Conduct an organizational analysis of the Office of the Chief, Legislative Liaison and the Congressional Budget Liaison Office to determine whether a structural change is required. At a minimum, reinforce or establish procedures to ensure strict coordination and synchronization by both offices of all information and activities pertaining to the Hill.

Discussion

The inconsistent flow of communications between the Office of the Chief, Legislative Liaison and the Congressional Budget Liaison Office reflects primarily an organizational dilemma. However, the structure is transparent except when it affects the communications to Congress.

Professional Staff Members from the House and Senate appropriations committees have said that the differences in the messages received from the Office of the Chief, Legislative Liaison and the Army Congressional Budget Liaison Office result in a disjointed approach to the Army's dealings with Congress. One staff member commented, "both the authorizations and appropriations staff must receive and share information. Often the information provided to the committees from the two Army offices is not the same. This leads me to conclude the Army purposefully plays one committee against the other."

Although the intent of Congress is that the two organizations be separate, several internal Army actions short of a legislative initiative are viable. The analysis may indicate that simply moving the two organizations physically closer will facilitate stronger interaction on the issues. However, it may suggest a need for a shift in the chain of command so the chiefs of both organizations report directly to the same person, with that person having direct access to the Secretary of the Army and the Chief of Staff, Army.

A senior Army general agrees that the Office of the Chief, Legislative Liaison and the Army Congressional Budget Office could be better organized. However, he believes that program responsibility is not clearly defined within the Department of the Army staff, and this problem compounds the deficient structure. Consequently, the responsibility of delivering a program to Congress defaults to the liaison offices. He advises that in addition to studying the organizational structure, each program must be reviewed to determine the objective of the strategy, the components of delivery, and the responsible person for achieving the objective.

According to a senior civilian leader in the Pentagon, the proper organizational element is key to effective communications with Congress and speaking with one voice as a Total Army. The congressional mandate to separate the two agencies means the lines of accountability must remain separate. This naturally creates an impediment to a unified effort, ensuring the Army speaks with one voice.

The same senior official said this is indicative of a larger systemic problem, adding the Army National Guard, the Army Reserve, and the Chief of Staff's congressional advisors to the groups who represent the Army to Congress. Because there is no single clearinghouse for congressional issues among them, these groups operate separately and express independent messages when approaching the Hill.

COMMUNICATIONS

We have identified four general areas affecting communications between the Army and Congress. These include:

1. Communicating a sense of what is core and essential to its organization and mission and understanding the congressional audience.
2. Responding to requests for information in a timely manner.
3. Creating a proactive versus a reactive engagement with Congress.
4. Maintaining an Army general officer presence on the Hill.

Communications Finding 1

The Army inadequately communicates to Congress core and essential elements to its mission and does not appropriately consider the needs of the congressional audience.

Recommendation

Develop long-term strategy to ensure the message is specifically tailored for the audience, adequately identifies the Army's position and requirements, and addresses congressional interests and requirements.

Discussion

The Army has developed and implemented an extensive and sophisticated communications campaign. Senior leadership has been involved in establishing and prioritizing the top issues for legislative reforms. Despite these efforts, neither the message nor the priorities of the Army are well understood by congressional Members and their staffs, according to the staff members interviewed. Conversely, they believed the needs of the congressional audience are not specifically understood or considered by the Army. Therefore, the message and the means of conveying the message are not tailored to satisfy the needs of either Congress or the Army. A perception that prevails among Members of Congress and their staffs is a lack of

interest, even reluctance, by Army leadership to clearly convey its message and priorities to them.

For example, efforts to improve the relationship between the Active and Reserve Components have been relatively successful internal to the Army's operation. However, the perception from Congress is that Army components continue to have significant problems working as a team. A member of the Senate Appropriations Committee for Defense said, "I understand the Army is a large cumbersome organization that has a history of problems packaging the messages of the Army National Guard and Army Reserve. However, because the Army, the National Guard, and Army Reserve don't speak with one voice, any information from these components can be used any way Congress sees fit." We have been so committed to assuring that the internal audience comprehends the concept of one team, one fight that we have inadvertently neglected our responsibility to ensure that Congress, a key player in our future success, has the same understanding.

Many special interest organizations are concerned with Army issues. These organizations can greatly enhance or hamper the Army's ability to speak with one voice. Properly utilizing these organizations to express the Army message, or at minimum ensuring these organizations understand the Army priorities so as not to inadvertently undermine the Army's efforts, is essential in maintaining continuity. The foundation for speaking with one voice is to build a unified team.

The team approach will only be effective if the Army has an established standardized story that is coherent, concise, realistic, and easy to understand by all members of the team. One senior civilian leader commented that the Army must define, articulate and justify its requirements. Prior to creating the message and speaking with one voice, the Army must first establish its vision and then formulate a strategy, according to several senior leaders. This is a complex process that must have senior leadership interest, support, and guidance to be effective.

Many of the senior leaders agreed that the Army tends to communicate well internally but is much less effective when dealing with external organizations such as Congress. One senior Army civilian leader stated that instead of proactively determining how to convey an issue or market an item to outside organizations, the Army tends to focus on the internal reception and reaction. He noted that the Army tends to procrastinate, kicking information around internally, dwelling on how to handle contentious issues. It does this without taking into consideration that

if Congress was notified immediately, the sting would be lessened. Congress would be more apt to work with the Army as an advocate rather than an adversary if it were notified immediately.. Another senior leader indicated that the Army's structure does not facilitate the exchange of information with external organizations, and therefore the mode of dealing with issues is reactionary. Ironically, the Hill could be a beneficial ally for the Army if it is provided timely and accurate information. This is particularly important when the information is potentially damaging to the Army's reputation. This proactive method clearly was successful during the Army's sex scandal at Aberdeen Proving Grounds. The Army provided Members and their staffs with information about the scandal as soon as the facts were available and continued to update them as more information unfolded. The Army aggressively investigated the specific incidents at Aberdeen, commissioned a review panel to determine whether the problem was pervasive throughout other Army units, and continued an open dialogue with the Hill throughout the process. In return, Members and their staffs supported the Army in its efforts to examine not only the specific problem at Aberdeen but also the potentially broader issue of sexual harassment in the Army and resisted taking immediate legislative action.

Explaining the Army's near and long-term strategies, priorities, interests, and requirements to an external audience like Congress is inherently difficult. Professional Staff Members working for the Senate Appropriations Committee for Defense asserted that the Army lacks a good strategic plan and method to express its needs and priorities. The Army cannot be expected to do everything, so we must tell Congress what cannot be done. For communications to be effective with Congress, the Army must carefully package its message and avoid changes in who or how it communicates its priorities and requirements. Consistency of the messages is key. Members of Congress and their staffs cannot sufficiently understand what is important to the Army if the message is not consistent.

While a critical issue, how the message is packaged and communicated to Congress is not a new finding. Both the Scroggs and National Security Fellows research indicated the need for effective communications with Congress. The Chief of Legislative Liaison has undertaken several initiatives to improve communications, including the Army's Top 10 priority list and weekly congressional coordination meetings between the congressional liaison offices and the Army Vice Chief of Staff. In addition, the legislative liaison office has developed a

congressional contact plan designed to develop professional and personal relationships between Army leaders and Members and their staffs.

Although the initiatives are a good start, some of these are not new from past efforts. Former initiatives appear to have been shotgun approaches rather than sustained components of a larger plan. From our perspective, a long-term strategic approach is still lacking and is a must if the Army is to improve its long-term relationship with Congress.

Communications Finding 2

The Army lacks timeliness when responding to requests for information from Congress.

Recommendation

Develop and adhere to standard procedures to ensure information for the Hill is consistently delivered within an appropriate timeframe. This must become a norm for the Army in responding to Congress, tolerating delays only in the rarest occasions. We understand that it is difficult to place a time requirement on responses, which are often driven by the circumstances surrounding a specific issue.

Discussion

Congressional staff members noted that Members and their staffs require a steady flow of accurate and timely information for them to better understand the complex nature of ongoing or developing issues in the Army. The Army has developed a reputation for failing to respond to congressional requests for information in a timely manner, according to some staffers interviewed. A Professional Staff Member who works for the Senate Authorization Committee described the situation this way: “I will go to someone else if I can’t get the information I need. The Army’s lack of a timely response lends itself to suspicion and follow-on exploitation by Congress.”

The Army’s bureaucratic and cumbersome coordination process makes a quick response difficult and places the Army at a distinct disadvantage. Failure to provide timely answers to questions only supports some Members and their staffs perception that the Army is stonewalling or withholding important information. For example, when the Army is slow to respond during the authorization and appropriations markup and conference periods, it loses the ability to influence the outcome.

Communications Finding 3

The Army has a reputation for a reactive versus proactive engagement with Congress.

Recommendation

Utilize sufficient command influence to create a proactive rather than reactive approach to responding to Congress. The goal is twofold: to ensure Congress gets its information from the Army rather than from some other source such as the press when bad news is at hand; to provide the initiative to the Army when competing for limited resources. Proactive engagement provides the advantage of establishing the first dialogue and spin and allows the two organizations to partnership the issue.

Discussion

According to Scroggs, “proaction implies having a strategy of initiating calculated liaising measures intended to help shape the legislative battlefield in ways that give your position a decisive advantage. Reaction implies a lack of strategy and involves executing calculated liaising measures in an often crisis-like atmosphere to oppose a position that has materialized.”¹² From a congressional staff perspective, Army flag officers have a tendency to be troubled with the prospect of proactively meeting with Members in an attempt to influence and advocate the Army position. However, Congress encourages proactive engagement.

A senior Professional Staff Member with many years of Appropriations Committee experience observed: “Other services are more proactive in working issues and problems with Congress. The Army has a reputation of waiting for problems to develop....typically the Army will wait for a Member of Congress to identify a problem before the Army will become engaged. The perception on the Hill is the Army just doesn’t care enough to get involved.” The combination of these behaviors greatly increases the probability that the Army will be disadvantaged too late in the legislative process to effectively recover.

Scroggs discussed reactive versus proactive congressional engagement as patterns of Army-Congressional behavior, which are unique to the Army. He described these patterns as being influenced by the unfounded concern that anything proactive (the essence of unsolicited information) to Congress violates or moves too closely toward the gray area dealing with the anti-lobbying statutes. His recommendations did not specifically address how the Army would benefit from a more proactive working relationship with Congress. However, he suggested an increased presence of Army senior leaders on the Hill to actively engage Congress on issues

important to the Army and to prepare future Army leaders to work more effectively with Congress.

Communications Finding 4

Army general officers' conspicuous absence on the Hill sends a message of indifference to Members and their staffs.

Recommendation

Develop an aggressive and sustained program of personal and professional relationship building in which the Army leadership actively engages Congressional Members and their staffs while promoting the institutional interests of the Army.

Discussion

Most senior leaders interviewed agreed that it is critical for senior Army leaders to establish professional relationships with Members and their staffs prior to a problem developing that requires a unified effort to solve. This includes not only a working relationship but also an understanding of the background and motivations of the Member or staff. As one retired general officer commented, you cannot go to Congress only when you need or want assistance. It must become a routine for general officers to visit and develop rapport with Members and their staffs.

This may mean changing senior Army leaders priorities and focusing on Hill visits to simply walk the halls of Congress. If an officer understands that his responsibility includes representing his program to Congress, he will have an incentive to establish personal relationships with Members and their staffs early in his tenure. Again, this change can only be effective if implemented from the senior Army level.

The need for senior Army leadership to engage Congress was cited as an important recommendation in both the Scroggs and NSF research studies and as an initiative from the Office of Congressional Legislative Liaison. Both studies acknowledged that Army general officers have an extraordinary opportunity and advantage in communicating their program's message and the Army priorities while developing professional as well as personal relationships with individuals on the Hill. However, both studies were quick to point out general officers ordinarily do not take advantage of this opportunity.

Both research papers made distinct proposals for Army senior leaders to increase their visibility and engagement with Congress. Scroggs' research suggested Army senior leaders need to dramatically increase their engagement with Congress. The National Security Fellows

recommended that senior military leaders should be a visible presence and actively engage Congress in support of their service. The legislative affairs initiative contained proposals for a congressional contact plan designed for Army leaders and various congressional outreach strategies to inform and educate Members and their staffs.

EDUCATION

To enhance the relationship between the Congress and the Army, we have identified three major areas to be promoted in the Army's Professional Development Education Program. They are:

1. Establishing the fundamentals of working with Congress.
2. Understanding the Constitutionally mandated oversight responsibilities of Congress.
3. Preparing individuals for assignments to and selecting the right officers for congressional liaison positions.

Education Finding 1

Many Army officers lack an understanding of the fundamentals of working with Congress.

Recommendation

Develop an intensified program of instruction to be taught at each level of the Professional Development Education Program in an effort to ensure a common and consistent methodology in dealing with Congress.

Discussion

Educating our future leaders on the congressional process, politics, and communications strategies is imperative. The institutional environment is the most basic and beneficial arena for an initial training program. Classroom instruction provides the ideal foundation for initiating an understanding of and respect for Congress. This core training then could be built upon as our officer and enlisted personnel develop into senior Army leaders. Each level of education should incorporate a curriculum compatible with the individual's experience level and should include not just an isolated block of instruction on Congress but an integrated career approach weaving the congressional piece throughout the curriculum. Ideally this would include the following:

- The art of building and maintaining relationships.

- Actual engagement of Members and staff to dispel the fears, misunderstandings, and antagonism toward the Hill, including early exposure to congressional staff for junior officers.
- Discussion of the congressional audience and the political realities.
- The role of Congress, its oversight responsibilities, and its importance to the success of the Army.
- Developmental means to promote engagement rather than withdrawal.
- Guidelines on how to utilize relationships with Members and their staffs to attain the goals of the Army.

One retired general stated that skills, knowledge, and attitudes are exhibited by behavior. If we are to change the behavior of our current and future leaders towards Congress, we must start by providing the skills and knowledge needed. Generally, all senior leaders interviewed believed that a void exists in education and that the education foundation must be constructed early in an officer's career and built upon in each succeeding educational program. Such training must be inculcated in leader development so it becomes natural to view Congress as an ally and crucial player. As one retired general stated, the Army must build a learning network. The educational process must involve formal military schooling at every level.

Educating future Army leaders and building a strong communications network with Congress are goals of the current Chief, Legislative Liaison. Some steps to overcome problems in these areas have recently been taken by the legislative liaison office; however, we believe the responsibility of educating our future leaders about Congress is beyond the scope, responsibilities, and capabilities of this office. A more extensive approach, which must involve the Army's Training and Doctrine Command, General Officer Management, and any other Army entity involved in leader development, is needed to overcome this chronic problem.

Education Finding 2

Army officers reluctantly accept the constitutionally mandated oversight responsibilities of Congress.

Recommendation

Develop an intensified program of instruction for inclusion at each level of the Professional Development Education Program to ensure a solid understanding and acceptance by Army officers of the congressional oversight role.

Discussion

The comments from our interviews with congressional staff members describe an Army that views Congress not only as a hindrance, but also as a burden to bear. It is not uncommon for civilian and military senior leaders to react with suspicion towards the oversight role held by Congress. As a result, tight controls are placed on the exchange of information, which effectively block a perpetual flow of information between the Army and Capitol Hill. For example, a senior Professional Staff Member on the House Appropriations Committee had the following comment: "Senior Army leaders feel they are more familiar with the issues than Congress, by virtue of their positions and experience. Therefore Army leaders question the motives behind requests for information. They are suspicious of how this information will be used and the impact of their response on existing and future programs or initiatives."

Both the Scroggs research and the National Security Fellows paper recommended an increased understanding of the congressional oversight role, although their methods of achieving this goal differ. Scroggs' strategy for effecting change involved educating the Army leadership concerning the oversight responsibilities of Congress. The National Security Fellows recommended a visible presence on the Hill by Army senior leaders to underscore the importance of relationship building as a precursor for recognition of congressional oversight responsibilities.

Education Finding 3

The Army must thoroughly prepare individuals for assignments to congressional liaison positions and place the best-qualified officers in the key positions.

Recommendation

Identify and formally train the most competitive officers for key legislative liaison assignments, and specifically grow officers through repeated assignments within the legislative arena.

Discussion

Although it is extremely important to educate our senior leaders, it is imperative to ensure that the military and civilian personnel working in the legislative liaison offices are formally prepared for this critical assignment. Many of the senior leaders interviewed expressed concern over the lack of experience and knowledge of those serving in key positions. One stated that currently our only method of learning is by osmosis. Although very helpful, on the job training is insufficient preparation, and a formal program must be established and completion required prior to a legislative liaison assignment.

In addition to training, several senior leaders stated that the Army must ensure the right officers are placed in the key liaison positions. Our findings support congressional desire for liaison officers who have proven interpersonal skills, become proactively involved in the timely flow of information between the Army and Congress, have innovative problem solving abilities, and have the ability to maintain a neutral stance. Several congressional staff members noted that effective liaison officers have well developed people skills. They must know the difference between loyalty to their service and the mission to provide staff with timely and accurate information. A Senate staff member said, "I don't expect liaison officers to be subject matter experts. However, I count on these officers to translate complex military terms and systems into laymen's language I can understand and to proactively share relevant information."

Many staff members felt very strongly that one of the key responsibilities of the liaison officer was to provide a heads up call on information about emerging issues before they read about it in the press. Proactively notifying Congress on emerging issues is the most singularly effective method to establish credibility as a trusted agent with Congress. The ability of a staff member to have the answer to the question before the Member requests it is a priceless commodity on the Hill.

Comments obtained during our interviews linked the separate issues of timeliness and accuracy of responses directly with the active participation of the liaison officer. Congressional staff members expect liaison officers will ensure the accuracy of the answers because of their familiarity with the subject and with the dynamics of the issue. Liaison officers are also expected to aggressively work the system to ensure the answer to the question is forthcoming.

Legislative liaison officers enjoy a unique relationship with Congress because they are officials representing the Secretary of the Army on legislative matters. In fact, Congress desires

to have a liaison present and engaged to provide information and professional judgments which will enable them to make informed decisions.

The function of the legislative liaison officer was discussed at length in the research conducted by Scroggs and the National Security Fellows. In both instances, the liaison function was described as a key and essential component for effective relations between Congress and the Army.

One retired general officer said the Army must select leaders who can change and grow with the Army and who can effectively work with Congress. Knowledge and experience dealing with Congress are elementary requirements for key positions. Education and the right people skills are the seed corn for everything else. The challenge for the Army is to translate individual learning into superior organizational performance, according to one retired general.

THE NEXT STEP

Throughout this study, our findings left no doubt that the Army must seriously attempt to make some broad and sweeping changes to improve the Army-Congressional relationship. Improving the Army's understanding and relationship with Congress must be an ongoing task with periodic assessments and readjustments. The Army Strategic Advisory Board for Congressional Relations will provide the necessary structure to facilitate this change. However, it will require the commitment of senior leadership, specifically the Secretary of the Army and the Chief of Staff, Army, before any change can be realized.

Fiscal Year 2000 is the ideal time to implement the advisory board. With the Secretary of the Army relatively new and the Army senior military leadership in transition, the advisory board, along with the recommendations categorized as organization, communication, and education, could be an essential step in ensuring the Army is prepared for the challenges of the twenty first century.

We suggest the following timetable for implementation:

- October 1999: Select members to serve on the advisory board; prepare and submit the required documentation to the Director of Administration and Management, Office of the Secretary of Defense, to establish the advisory board.
- One month following the board's establishment, convene an initial meeting to receive information concerning the current state of the Army-Congressional relationship.

This should include the organizational, communications, and educational aspects discussed in this paper.

- At the next quarterly meeting, establish short and long-term objectives for the next two years.

Chapter Three Endnotes

¹¹ The Army's Chief, Office of Legislative Liaison, a flag officer, is directly responsible to the Secretary of the Army. This flag officer formulates, coordinates, and supervises policies and programs on the Army's relations with Congress. He also provides liaison between the service and the committees of Congress, except for appropriations committees. The Chief, Army Congressional Budget Liaison Office, an Army Colonel, is directly responsible to the Assistant Secretary for Financial Management & Comptroller. This office provides liaison between the service and the committees of Congress for Appropriations.

¹² Scroggs 464.

Appendix A

Executive Summary

Army Relations with Congress: The Impact of Culture and Organization

Summary: This research raises the discussion and analysis of Army relations with Congress above the anecdotal level, identifies the problems that exist in that relationship and attempts to explain the basis of Army senior flag officers' unique manner of representing Army institutional interests to Congress. The research argues that despite structural similarities in how the four military services pursue their respective organizational goals with Congress, the cultural contexts in which they do so differ in ways that significantly affect their relative success in achieving their goals. In this regard, the cultural context in which Army officials operate largely impedes their efforts to more effectively represent Army interests. Relying on extensive interviews from the two armed services committees, the research identified 7 perceived Army-Hill patterns of behavior relative to the other services. The study then identified 5 cultural dimensions that undergird Army behavior toward Congress using interviews with active and retired senior Army leaders including 5 former Army Chiefs of Staff. The research draws four major conclusions. First, despite a law prohibiting 'lobbying' of Congress by public agencies, Congress views liaising by military services not only as legitimate activity, but essential to Members carrying out their constitutional responsibilities. Second, relative to the other services, the Army is viewed by the Congress as the least effective in conducting this representational activity. Third, the Army's patterned approach with Congress is largely a function of unrecognized and uncompensated culture. Finally, the pluralist goal of more balanced service representation to Congress is threatened by relatively less effective Army efforts creating troubling implications for national security.

Introduction: This dissertation seeks to answer the following questions: 1) What kind of lobbying activity is conducted by all military services, despite the existence of statutory law prohibiting 'lobbying' of Congress by public agencies? 2) How are military services organized to carry out these legal lobbying activities? 3) Why do certain military services work better with and develop closer relations with Congress than others? and 4) Why do some military services make more

effective use of their agency resources and capabilities in improving and nurturing that relationship with Congress? The research attempts to explain how the historical experiences of the Army and the professional development and experiences of its senior officer corps contribute to a culture that makes engagement and institutional self-promotion on the Hill more difficult for its senior flag officers. The study attempts to explain why this cultural distancing from external audiences, to include Congress, is manifest in the Army and less so in the other services. It helps to illuminate why the other services' senior flag officers are more likely to view lobbying or liaising Congress as their critical professional responsibility directly linked to justifying and garnering the necessary resources their service requires from constitutionally empowered civilian decision makers. Accordingly, these other services establish career paths centered around developing competencies needed in their senior flag officers at these higher levels.

Methodology: The major data source was over 130 'elite' interviews conducted in 1995 with congressional, legislative liaison and senior Army leaders involved in Army-congressional relations). On the Hill these interviews included 20 with Members of Congress serving on the two defense authorization committees: House National Security Committee (HNSC) and the Senate Armed Services Committee (SASC). 10 Professional Staff Members of the HNSC and 15 on the SASC, and over 37 personal staff who work on defense issues. Military Legislative Assistants, for Members of Congress on the HNSC and SASC. These congressional interviews were used to formulate the 7 perceived patterns of Army-Hill relations relative to the other services. To identify and rank the relative importance of five cultural dimensions that I argue characterize and undergird Army behavior on Capitol Hill, 30 key senior Army (active and retired) military and civilian leader interviews were conducted by the author to include; 5 former Chiefs of Staff of the Army, several Vice Chiefs of Staff, regional Commander-in-Chiefs (CINCs), and 21 Army senior flag officers (3-and 4-star generals). In addition, several senior civilian politically appointed Army leaders were interviewed. Additional interviews were conducted with 17 individuals who served in one of four service legislative liaison offices and worked later for private lobbying firms in Washington to help differentiate among service legislative operations and between private and public lobbying. Finally, two case studies were used to supplement this extensive interview data. The first is a study in which culture impeded Army effectiveness on the Hill: the Army's approach in unsuccessfully resisting the legislated mandate to transfer M1A1 tanks to the Marine Corps. The second case is a study in culture

recognized in the Army's innovative success in forging, and selling to Congress, an agreement to reduce and restructure its reserves. The study benefits from the author's experience as a participant/observer in the legislative liaison process.

Perceived Army-Hill Patterns- The following patterns reflect the congressional perspective on Army behavior on the Hill relative to the other services:

- 1) The Army is seen as the most honest, straightforward, and credible of the four services in reacting and responding to Congress.
- 2) The Army sees Congress more as a hindrance than a help; dealing with Congress is seen as a burden rather than an opportunity to engage; the role of Congress is least understood by the Army.
- 3) Senior Army general officers are the least represented and engaged on the Hill of the services.
- 4) The Army is more reactive and less proactive than the other services in representing its institutional interests and concerns to Congress.
- 5) The Army's outreach efforts to Congress are the least apparent and sophisticated.
- 6) The Army is least effective in communicating both its near- and long-term priorities, as well as its larger message: Why an Army and why this size?
- 7) Army Legislative Liaison personnel seem to be on their transition assignment out of the Army.

Army Cultural Dimensions Ranked in Importance- (from the senior Army leadership perspective):

- 1) The Army is internally fixated and allocates its most valuable agency resources to internal communications, activities and audiences.
- 2) The interconnectivity of recognized dependency, teamwork and Army leadership development work against institutional self-promotion to Congress.
- 3) A narrow definition of career success (especially for combat arms officers) is defied as being outside of Washington and inside the officer's branch or specialty-'muddy boots can do all'.
- 4) Loyalty beyond institution, its 'can do' attitude and its view of itself as the nation's "obedient loyal servant" makes it more difficult to candidly communicate to Congress on issues it lost in the Pentagon.

5) A tendency for risk aversion in the Army officer corps that is increasingly pronounced at higher ranks and in peacetime work against proactive engagement and effective liaising on the Hill.

Why This Study Is Important

1. It demonstrates that the Army has a significant problem in its relations on the Hill relative to the other services. It makes the point that strengthening Army-Hill relations will be a necessary prerequisite to improving Army representational efforts in OSD. They are interrelated problems.
2. It notes that Army senior leaders take a short-term view of Army-Hill relations ignoring the long-term opportunities and importance of closer relations. Improving Army liaising in Congress (and in OSD) will take years; improvements enacted now will bear fruit on subsequent CSAs' watch.
3. It identifies Army culture that works against Army leadership efforts at developing a more sophisticated liaising mechanism for getting its more difficult but important message conveyed and understood by the congressional audience. These cultural impediments allow many Army officers today to take pride (rather than be concerned) in their more disengaged and, in their minds, professional approach to the legislative branch.
4. It stresses that the current Army approach results in an unintended neglect of Army senior officer professional responsibilities in helping Members carry out their constitutional responsibilities in defense policymaking matters, protecting soldiers' interests in the field and strengthening the nation's security interests- all which assume these Members understand Army concerns and capabilities.
5. If experience matters, this study raises a caution flag at the relative inexperience of Army senior military leaders in the Washington, DC environment.
6. This study focuses on valuable agency resources the other military services are more likely to direct toward their liaising effort with Congress and other external audiences than occurs in the Army.

Recommendations:

1) To *'lead by example'*, current Army senior military leaders should dramatically and visibly increase their engagement with Congress by setting a relationship-building course correction with Congress that will be seen by junior officers as more than temporary rhetoric. The marker is not how frequently their predecessor went to the Hill, but a more external focus, which compares Army representational efforts with those conducted by its sister service counterparts:

a . Spend more time on the Hill in developing relations with Members and staff; understanding their world; meet with Members when no issue or crisis exists and often walking the halls for 'target of opportunity' drop-ins.

b . Spend more time with Members and staff on 'potential crisis' issues prior to impending hearings and mark-ups of legislation. They should not delay or delegate as often to Army Staff subordinates or LL personnel Army engagement on volatile and sensitive issues-potential bridge burners. Instead use these subordinates for advice and to facilitate a positive meetings on these issues.

c. Spend more time early in the process in developing Army policy in continuous dialogue with Members and staff who might be affected by the policy outcome and whose support for that Army policy solution will be needed. This will help the Hill better understand Army decisions and the currently masked "hard choices" Army leaders are making on budgetary grounds.

d. While the Chief and Vice-Chief of the Army can set the tone by their example, they can not and should not carry the liaising ball by themselves. They should encourage and seek ways to evaluate other Army general officers on their ability and willingness to cultivate and expand respected relationships on the Hill and in the Washington community.

e. While the Army has recently shown signs of improvement in this regard, the Army senior military leadership should actively encourage and look for opportunities to get Army generals outside of Washington to walk the halls of Congress and meet with Members and staff.

2. *Current Army senior military leaders should take the necessary steps now to begin preparing future Army generals for the 'heavy-lifting' required of senior flag officers in the Washington environment.*

a. The senior Army leadership must use positive aspects of Army culture and template them to the Washington environment to establish and communicate a different philosophy or attitude toward the Hill that highlights the professional requirement for a more sophisticated understanding of our Constitution and Congress' legitimate role in the nation's defense policymaking process among the Army's officer corps (especially its combat arms officers). This new philosophy will equip Army officers with a better understanding and comfort level with the military leadership's necessary role in helping Members of Congress carry out their constitutionally empowered responsibilities.

b. Promotion and selection boards should be given more specific guidance by the Secretary of the Army in ensuring that selectees are not mere shadows of sitting board members. These boards should be made wary of primarily rewarding fast-tracking combat arms officers of 19-20 years of service who have been able to avoid service in demanding jobs in the nation's capital.

c. The Army leadership should consider instituting changes in its officer personnel management system that reward rather than penalize key liaising and other 'external audience' missions to the institution. Certain fast-tracking combat arms officers must be brought to Washington early (after their company command) and carefully tracked and managed over time for both field and Washington experience. Consideration should be given to creating a Washington 'external audience' alternate specialty that includes legislative liaison, Washington fellowships, and assignments serving senior political leaders in and out of DOD, in the nation's capital. At a minimum, legislative liaison duties and positions should be assigned an "additional skill identifier" that would help Army leaders track and more effectively manage LL officer professional development and more effectively meet future Army needs in this increasingly discounted area.

d. The Army's professional military education program should incorporate far more instruction about Congress, its legitimate role in shaping defense budgets and programs, the status of Army-Hill relations, the importance of recognizing natural

cultural impediments to that relationship, and Army senior officer roles in informing and working as team players with civilian decision makers in Congress. The importance of understanding Congress' positive role in Army policy matters must start at the Officer Basic Course level and get more specific and sophisticated at each higher level.

3. Current Army senior military leaders should strengthen, in both a short and long-term view, the Army's legislative liaison operation.

a. The Army should upgrade the position of the Deputy Chief of Legislative Liaison (currently a Colonel) back to a 1-star grade. This would send an important signal to the internal Army (and congressional) audience about the increasing importance to the leadership of external, especially congressional audiences. It would reduce intra-LL jurisdictional tensions at the division chief (colonel) level by having a flag officer, other than the Chief of LL, to decisively resolve "turf" disputes. It would provide more continuity of LL leadership and allow one of the two flag positions to be used at different times as a critical one to two year Hill exposure assignment for an officer being groomed to be a future Chief or Vice Chief of Staff.

b. The Army's personnel management system must employ agency resources to transform a certain percentage of LL assignments into lucrative opportunities for upward mobility in the Army. Within the organization, two types of officers should be sought: First, a significant percentage of slots should be filled with officers who have the most competitive Army files, often combat arms officers, and who are likely to command at the brigade level. Second, the Army leadership should direct formal and informal agency resources to another, probably larger segment of officers, to induce the best and most personable LL type officers who will not make flag rank to stay within the LL organization for periods of time longer than the one or two year "transition out of the Army" tour commonly observed today. These officers will serve as reservoirs of relationships at the LL officer level and the "old guard" trainers for the fast-trackers who move in and out of the organization.

c. The Army senior leadership should look for opportunities to boost, rather than weaken, the stature of its LL personnel in the eyes of the congressional audience. Promotions, command selections and the practice of including LL personnel in key

Army-Hill meetings and acknowledging their contribution would be noted by the congressional audience.

d. The senior Army leadership should make it clear to all Army general officers that they should assist Army LL efforts to engage and elicit greater Member and staff participation in Army outreach events, whether it is trip to the National Training Center at Fort Irwin or a conference on Army technological or doctrinal advancements. An Army flag officer can enhance his relationship with and be the catalyst for the Member to participate if he is willing to accompany the Member to this outreach event.

e. The senior Army leadership should place greater resources behind facilities that accommodate congressional and other external audience visits to Army training and operational installations. For example, the small number of quarters to accommodate visitors at the National Training Center limits too severely the opportunity of the Hill to see Army "essence" and land power training on that scale.

f. The senior Army leadership should consider implementing its own version of the Air Force Intern Program that "provides a unique and prestigious opportunity for 50 selected Captains (in their sixth or seventh year of commissioned service)...to gain invaluable air/joint staff experience. The Army program should include meaningful exposure to LL operations on the Hill.

The comments and positions expressed in this dissertation are the author's alone, and do not reflect the current policies or statements of the Department of Defense, the Department of the Army, or the National Defense University. The responsibility for analysis, and any problems with it, rest solely with the author.

Appendix B

Executive Summary

Working with Congress: Improving the Military-Congressional Relationship

This paper sets out to improve the effectiveness of the relationships that the military services have with the Congress of the United States. Largely, these relationships take place in and around the budget process, and hence our research effort began with an analysis of the defense budgets. While these budget analyses helped to explain what has happened to individual services over the last decade, these analyses offer little in terms of explaining why and how Congress has acted on military budget requests in the manner they have. To answer these more germane questions, we relied heavily on personal interviews with individuals close to the defense budgeting process.

Budget analyses of the 1980's confirmed some popular myths that circulate within the military. On a relative scale, the Air Force does exceptionally well within the Department of Defense (DOD), and possibly because of congressional recognition of this fact, they do poorly within the Congress. The Navy has done poorly within DOD, but has been extremely successful in furthering its agenda in the Congress. The Army, although somewhat improved in the last few years, has done poorly in both DOD and the Congress. The Marine Corps, over the last decade, has enjoyed unparalleled success in both institutions.

To the extent possible, we attempted to isolate these relative successes and failures in the Defense Department from those within the Congress, and devote our attention to the latter. We were able to gather from those we interviewed several recurring themes that helped explain why some programs and services were successful while others were not. We offer these in the form of recommendations for all services, understanding the varying degree of applicability to any individual service.

1. Understanding the Congress

There exists between the military and the legislature a sociological problem stemming from the interaction of two different societies. Differing values, norms, and cultures are often in conflict with one another. The first step in improving the relationship between the Congress and

the military must be a greater awareness on the part of individual service members involved in this relationship of the legislative norms, the influences on, and the pressures applied to the Congress. Military members within these relationships must adapt their thinking to the political realities of our Congress. This can be done only through education and careful selection of those individuals whom the services want to participate in these relationships.

2. Political Role of the Service Leadership

The civilian leadership of the military services should take a more active role as the political proponents for their respective services. To build public and congressional support for the military programs that support their service should be a primary responsibility. We feel there is ample leeway and opportunity to fulfill this responsibility without crossing into disloyalty to the Defense Department or the Executive. Active participation in the political agenda of Washington and the Congress and, more importantly, helping to set that agenda must be a first order concern of the civilian leadership of the services. As many of those that we interviewed pointed out, the effectiveness of the relationship starts at the top.

3. Role of the General Officer

The sociological problem referred to above is most evident at the general officer level simply because that is the level of primary interface in the military's relationship with the Congress. The opportunities for improving effectiveness with the Congress in this area are more appropriate to the Army than other services, but in varying degrees apply to all.

Among those that we interviewed on the congressional side, there was often a sense of frustration as to the lack of responsiveness of the general officers, particularly within the Army. While the societal differences and lack of understanding of the Congress contribute, we find the root cause elsewhere. In previous years, even minor programmatic or policy decisions were made at only the highest level. This elevation of decision-making authority stifled those operating within the service. The general officers raised under this centralized decision making, unsure of their authority within the congressional arena, caused this lack of responsiveness. This must be corrected if improved relations with Congress is the objective.

4. The Legislative Liaison

The criticality of these positions is obvious and the need for quality, qualified personnel unquestioned. Personnel turbulence within these jobs is the number one complaint from congressional staffers. While turnover is a problem throughout the services, it can least be

afforded here. Minimum three-year tours of duty are a necessity. If not possible, greater reliance on civilians for continuity should be considered. Rotational overlap is essential. Efforts should be made to assign personnel during the winter cycle, away from the current summer rotations occurring in the midst of congressional budget activity.

Education of the members of the legislative liaison is needed to make them productive sooner. Enrollment in the 20-week course at the Defense Systems Management College at Fort Belvoir, Virginia, is but one possibility. This would likewise permit summer rotation to the Washington, DC area for the incumbents, and better prepare them for the job they would assume in the January - December time frame.

5. Members of the Congressional Staff

The power and influence of the professional staff in Congress is well known. It is through the interface with them that the tone of the relationship with Congress is established by the military services. They are a key ingredient in determining the military's effectiveness. Unfortunately, members of the military services often have a dim view of the staff, and, hence, this relationship is not always as good as it should be.

Within the military services, attitudes toward the professional staff need readjustment. This can be accomplished only through an understanding and appreciation of the staff's role. Developing a professional rapport with the staff, understanding their pressures, and responding to their requirements will serve to strengthen the relationship between the Congress and the military service. As military experience levels of the staff continues to decline, the services need to educate them on the services in general, and on pertinent individual service programs in particular. Improving the relationship with the congressional staff will go a long way in improving the military's effectiveness with the Congress.

6. Ex-Service Members

The Marine Corps, and to a slightly less extent the Navy, is able to cultivate and actively use an informal network of ex-service members to support their programs. This ability to draw on service loyalty is not as evident in the Army or the Air Force. The attitudes of those on active duty toward retirees and others that leave the service is vastly different among the services. But this attitude is often the determinant in a service's ability to cultivate this allegiance, or a continued sense of belonging on the part of those that leave. Although it is not an easy task to change those attitudes, the other services can learn much from the Marine Corps.

7. The Use of a Political Analysis

Programs or issues under close review at the congressional level should have the benefit of an explicit political analysis. Such analyses are infrequently done, but could serve to identify potential problem areas well in advance. With problem areas identified early on, success in overcoming them becomes more likely. To understand the politics and the personal opinions of those who will pass judgement on an issue is to understand the Washington scene. The services have overreacted to congressional criticism of past attempts to enter into this area.

8. After-Action Reports

After-action reports are frequently and effectively used in the military as a teaching vehicle. In the area of congressional relations, however, they are not used. The lack of after-action reports means that the needed knowledge and information is never transferred to those rotating into the critical jobs that form the service side of the relationship. This leaves incoming personnel to make the same mistakes as their predecessors. After-action reports and case studies based upon them would well serve the educational needs of those joining the military-congressional relationship.

9. Congressional Testimony

Getting the right person to testify during budget hearings would appear to be an obvious step. Nonetheless, some services were consistently criticized for failing to do just that. Careful scripting of any testimony is not only possible, but was highly encouraged by the vast majority of those we interviewed. Determining the audience for the testimony (the entire Congress, committee members, or the committee staff) is central to the complexity and nature of the testimony that any witness should offer.

In the final analysis, improvements in the military-congressional relationship can be accomplished through more active participation by the military services in the political processes of the Congress. To do otherwise is to ignore the realities of our system of government. Often the legislative norms, the values and the motivations of the Congress stand in stark difference to those of the military services. To understand these differences and learn to operate within the informal congressional structure would serve to strengthen the effectiveness of the military services' interface with the Congress.

Appendix C

This appendix includes an example of the Charter for the Chief of Naval Operations Executive Panel and Terms of Reference of a “Homeland Defense Task Force” for an existing executive panel under the Department of the Navy. Considered a Federal Advisory Committee under the Federal Advisory Act, the panel is required to file a charter with Congress every two years for approval. The documents provide the required background, objectives, and guidance as necessary for the board to understand its responsibilities.

Example Charter
Chief of Naval Operations Executive Panel

- 1. Official Designation:** The Chief of Naval Operations Executive Panel.
- 2. Objective and Scope of Activity:** The objective of the Chief of Naval Operations Executive Panel (CEP) is to provide an avenue of communications by which a distinguished group representing scientific, engineering, political-military, and international relations communities may advise the Chief of Naval Operations (CNO) on questions related to national seapower. In pursuing this objective, the CEP may operate in Task Forces (sub-committees or groups under the CEP) composed of selected Panel members to conduct detailed examinations of specific matters related to national seapower. Activities include:
 - a. Addressing subjects approved by the CNO that are related to the influence of naval power on the international strategic environment;
 - b. Reviewing current and projected Navy policies and procedures in order to provide advice on enhancing the Navy's effectiveness in execution of national policy; and
 - c. Recommending to the CNO various alternative policies and postures for fulfilling the Navy's national security role in the face of evolving political, economic, technological, and military circumstances.
- 3. Time Necessary for the Committee To Fulfill Its Purpose:** Continuing.
- 4. Sponsor of the Advisory Committee:** Secretary of the Navy (Chief of Naval Operations).
- 5. Agency Responsible for Providing the Necessary Support for the Advisory Committee:** Office of the Chief of Naval Operations.
- 6. Description of Duties for which the Executive Panel is Responsible:**
 - a. The functions of the CEP are solely advisory in nature; it is not empowered to make policy or management decisions.
 - b. The CNO determines the subject matters to be reviewed by the CEP and its Task Forces. Observations and recommendations are provided through the Chairperson (or designated member) of the CEP to the CNO directly in executive session, or through written reports through the Chairperson (or designated member) of the CEP to the CNO.
 - c. Occasionally, the CNO directs the Chairperson (or designated members) to assign specific, time-sensitive, subjects to be examined by ad-hoc groups of committee members.

d. The CEP is neither established nor intended to advise on individual procurements. No matter shall be assigned to the CEP for its consideration that would place any member of the CEP in a position of acting as a procurement official (as defined in Section 27p of the Office of Federal Procurement Policy Act, as amended).

7. Estimated Annual Operating Cost in Dollars and Man-Years:

Operating costs: \$498,500; Man-years: 7.5

8. Estimated Number and Frequency of Committee Meetings: The CEP meets approximately twice per year in Plenary Sessions at the convenience of the CNO. In addition, various Task Forces meet periodically throughout the year. Individual Task Force meetings total approximately 30 per year. Meetings normally do not exceed one-day duration.

9. The Advisory Committee Termination Date: Continuing.

10. Rechartered: 28 February 1998.

Example

CNO Executive Panel Task Force

Terms of Reference - Defense of the Homeland

Background: The Post-Cold War period presents the U.S. with new and complex threats to its people and territory. These range from the unlikely threat of large-scale strategic nuclear attack, to complicated, asymmetric, non-traditional challenges. The latter include the proliferation of weapons of mass destruction (WMD), expanded ballistic and cruise missile threats, terrorism, illegal drug traffic, smuggling/refugees, and information warfare. The U.S. Navy brings unique capabilities to play in homeland defense: SSBN deterrence, proven cruise missile defenses, promising ballistic missile defense systems, and unique operational and intelligence experience enforcing military and economic sanctions and countering drugs, smuggling, and terrorism. Primary elements of Navy strategy, such as forward presence and power projection, provide defense-in-depth and enable timely, long-range interdiction before many threats to the homeland become problems for domestic law enforcement. However, the concepts of homeland defense extend very broadly, and a clear definition and DoD/Navy doctrine have yet to be established.

Guidance: The task force will examine the nature and scope of threats to the homeland, and carefully define and size these threats. The task force will then assess the Navy's ability to meet these threats, including hardware, organization, doctrine, and operations. The task force will also weigh political, legal, fiscal, policy and readiness ramifications of the Navy role in homeland defense.

Suggested Objectives: The objectives of the task force will include the following:

- Define and scope current threats to the U.S. homeland.
- Identify Navy's unique capabilities to counter these threats. Determine if the Navy is optimally trained, organized, and equipped to respond quickly and effectively.
- Examine the impact of an expanded Navy homeland defense role on other core missions of forward presence and power projection, and outline potential costs, tradeoffs and efficiencies.

- Examine the adequacy of current unified command/Navy component command structure and its ability to support homeland defense missions.

Schedule: Work should commence as soon as possible. Periodic reports should be made to keep the CNO informed on Homeland Defense Issues, with a final report not later than nine months after the initial meeting.

Membership: Task Force Co-chairmen: Mr. Robert Murray Mr. Tom Evans

Procurement Disclaimer: This Terms of Reference includes no assignment to the Task Force that would indicate a member would be participating personally and substantially in the conduct of any specific procurement or place a member in the position of acting as a "procurement official."

Appendix D

This appendix includes a sample Charter and Terms of Reference for our proposed "Army Strategic Advisory Board for Congressional Relations." Our intent for constructing these samples is to provide the reader insight as to what we consider the appropriate level of engagement for the board. We propose that this board, by direction of the Secretary of the Army, analyze policies and procedures that would benefit the Army in its relationship with Congress.

Sample Charter

Army Strategic Advisory Board for Congressional Relations

1. **Official Designation:** Army Strategic Advisory Board for Congressional Relations.
2. **Objective and Scope of Activity:** The objective of the Army Strategic Advisory Board (ASAB) is to provide an avenue of communications by which a distinguished group representing political, military, academic, and business communities may advise the Secretary of the Army on concerns and issues related to improving relations with Congress. In pursuing the objective of producing a viable strategy, the board may operate as sub-committees under the ASAB composed of selected board members to conduct detailed analysis of specific matters related to Army-Congressional relations.

Activities include:

- a. Addressing subjects approved by the Secretary of the Army that are related to a strategy for improved relations between the Army and Congress;
- b. Reviewing current and planned policies and procedures for enhancing the Army's effectiveness in developing a strategy for improved relations; and
- c. Recommending to the Secretary of the Army various alternative policies and procedures for relationship building following consideration of political and legal ramifications.

3. **Time Necessary for the Board To Fulfill Its Purpose:** Continuing.
4. **Sponsor of the Advisory Board:** Secretary of the Army.
5. **Agency Responsible for Providing the Necessary Support for the Advisory Board:** Office of the Chief of Staff of the Army.
6. **Description of Duties for which the Advisory Board is Responsible:**
 - a. Function in an advisory capacity only; the board is not empowered to make policy or operational decisions.
 - b. Provide continuity for strategic legislative liaison planning, recognizing the frequent rotation of Army and Political leadership.
 - c. Examine and provide insights into the status of the legislative process by reviewing current and projected policies or procedures.
 - d. Examine the impact that current methods and means of operations by the Army are having on the Congress.

- e. Provide recommendations, alternative policies, and procedures to training, education, and/or interaction required to enhance a productive rapport.
- f. The Secretary of the Army may at any given time direct or assign a relative, specific, time sensitive, concern to be examined by the board.
- g. This board is neither established nor intended to advise on individual procurements. No matter shall be assigned to the board for its consideration that would place any member of the board in a position of acting as a procurement official (as defined in Section 27p of the Office of Federal Procurement Policy Act, as amended).

7. Estimated Annual Operating Cost in Dollars and Man-Years:

Operating costs: TBD; Man-years: TBD

8. Estimated Number and Frequency of Board Meetings: The board will convene at a minimum quarterly in plenary sessions and begin work as soon as possible. In addition, various sub-committees meet periodically throughout the year. Individual sub-committee meetings may total (TBD) per year.

9. The Advisory Committee Termination Date: Continuing.

10. Rechartered: TBD

Sample
Terms of Reference
Army Strategic Advisory Board for Congressional Relations

Background: Given the impact of successive years of a declining budget and resources and complex global environment on an increasingly sophisticated and technologically advancing battlefield, it is imperative there be a strong and supportive relationship between Congress and the Army to ensure proper levels of preparedness and employment. This connection is a perplexing alliance between enduring institutions, founded on formal relations and legal procedures. It is the nature of this professional oversight relationship that has prompted numerous questions, discussions, and corresponding literature addressing the impact and significance in the Army's dealing with congressional Members and their staff.

Countless recommendations from varying sources toward improving the relationship between Congress and the Army have been previously presented. While it is apparent that noteworthy attempts toward strengthening the alliance and ensuring an amicable relationship are being initiated, in the current environment the Army must be dedicated and committed to proactively engage Congress with more intense resolve.

It is no doubt incumbent upon the Army, as the subordinate member in this relationship, to foster a more productive relationship between these institutions. The Army must continually recognize and conform to the changing demands and personalities of congressional Members and their staffs. It is imperative the Army ensures that Congress, as the authorizers and appropriators, is in concert with not only the desired revisions to policy, but possibly more importantly the resulting costly requirements as the service proceeds into the 21st century.

Guidance: The board members, from their external vantage, will provide to the Secretary of the Army an objective and balanced perspective on the status of the relationship between the Army and Congress.

- Initially, the board will systematically examine and provide a report addressing the nature of the long-term relationship between the Army and Congress.
- The board will then assist in translating its findings into a strategy for fostering a continuing productive alliance.

- The board will consider and weigh political, legal, and policy circumstances when conveying their recommendations.

Suggested Objectives: The objectives of the board will include, but will not be limited to, the following:

- Provide continuity for strategic legislative liaison planning, recognizing the frequent rotation of Army and Political leadership.
- Examine and provide insight into the status of the legislative process by reviewing current and projected policies or procedures.
- Examine the impact that current methods and means of operations by the Army are having on the Congress.
- Provide recommendations, alternative policies, and procedures to training, education, and/or interaction, which enhance a productive relationship.
- The Secretary of the Army may at any given time direct or assign a relative, specific, time sensitive, concern to be examined by the board.

Schedule and Requirements: The board will convene at a minimum quarterly in plenary sessions and begin work as soon as possible.

- Progress review reports by the board will be submitted to keep the Secretary of the Army informed on congressional liaison issues and recommendations toward improving relations.
- Final reports will be submitted shortly prior to the adjournment of each board session.

Membership: The board will be composed of, but not restricted to, distinguished retired general officers, defense-related business and corporate members, former congressional Members or congressional staff, and academicians.

Procurement Disclaimer: This Terms of Reference includes no assignment to the board that would indicate a member would be participating personally and substantially in the conduct of any specific procurement or place a member in the position of acting as a "procurement official."

Appendix E

Advisory committees are managed under the guidelines of Public Law 92-463 and Department of Defense Directive 5105.4 for Federal Advisory Committees.

Public Law 92-463, The Federal Advisory Committee Management Act

s 1. Short title this Act may be cited as the "Federal Advisory Committee Act".

s 2. Findings and purpose

(a) The Congress finds that there are numerous committees, boards, commissions, councils, and similar groups which have been established to advise officers and agencies in the executive branch of the Federal Government and that they are frequently a useful and beneficial means of furnishing expert advice, ideas, and diverse opinions to the Federal Government.

(b) The Congress further finds and declares that--

- (1) the need for many existing advisory committees has not been adequately reviewed;
- (2) new advisory committees should be established only when they are determined to be essential and their number should be kept to the minimum necessary;
- (3) advisory committees should be terminated when they are no longer carrying out the purposes for which they were established;
- (4) standards and uniform procedures should govern the establishment, operation, administration, and duration of advisory committees;
- (5) the Congress and the public should be kept informed with respect to the number, purpose, membership, activities, and cost of advisory committees; and
- (6) the function of advisory committees should be advisory only, and that all matters under their consideration should be determined, in accordance with law, by the official, agency, or officer involved.

s 3. Definitions

For the purpose of this Act--

- (1) The term "Administrator" means the Administrator of General Services. (2) The term "advisory committee" means any committee, board, commission, council, conference, panel, task force, or other similar group, or any subcommittee or other subgroup thereof (hereafter in this paragraph referred to as "committee"), which is—

(A) established by statute or reorganization plan, or
(B) established or utilized by the President, or
(C) established or utilized by one or more agencies, in the interest of obtaining advice or recommendations for the President or one or more agencies or officers of the Federal Government, except that such term excludes (i) the Advisory Commission on Intergovernmental Relations, (ii) the Commission on Government Procurement, and (iii) any committee which is composed wholly of full-time officers or employees of the Federal Government. (3) The term "agency" has the same meaning as in section 551(1) of Title 5. (4) The term "Presidential advisory committee" means an advisory committee which advises the President.

s 4. Applicability; restrictions

(a) The provisions of this Act or of any rule, order, or regulation promulgated under this Act shall apply to each advisory committee except to the extent that any Act of Congress establishing any such advisory committee specifically provides otherwise.

(b) Nothing in this Act shall be construed to apply to any advisory committee established or utilized by--

(1) the Central Intelligence Agency; or

(2) the Federal Reserve System. (c) Nothing in this Act shall be construed to apply to any local civic group whose primary function is that of rendering a public service with respect to a Federal program, or any State or local committee, council, board, commission, or similar group established to advise or make recommendations to State or local officials or agencies.

s 5. Responsibilities of Congressional committees; review; guidelines

(a) In the exercise of its legislative review function, each standing committee of the Senate and the House of Representatives shall make a continuing review of the activities of each advisory committee under its jurisdiction to determine whether such advisory committee should be abolished or merged with any other advisory committee, whether the responsibilities of such advisory committee should be revised, and whether such advisory committee performs a necessary function not already being performed. Each such standing committee shall take appropriate action to obtain the enactment of legislation necessary to carry out the purpose of this subsection.

(b) In considering legislation establishing, or authorizing the establishment of any advisory committee, each standing committee of the Senate and of the House of Representatives shall determine, and report such determination to the Senate or to the House of Representatives, as the case may be, whether the functions of the proposed advisory committee are being or could be performed by one or more agencies or by an advisory committee already in existence, or by enlarging the mandate of an existing advisory committee.

Any such legislation shall--

- (1) contain a clearly defined purpose for the advisory committee;
- (2) require the membership of the advisory committee to be fairly balanced in terms of the points of view represented and the functions to be performed by the advisory committee;
- (3) contain appropriate provisions to assure that the advice and recommendations of the advisory committee will not be inappropriately influenced by the appointing authority or by any special interest, but will instead be the result of the advisory committee's independent judgment;
- (4) contain provisions dealing with authorization of appropriations, the date for submission of reports (if any), the duration of the advisory committee, and the publication of reports and other materials, to the extent that the standing committee determines the provisions of section 10 of this Act to be inadequate; and
- (5) contain provisions which will assure that the advisory committee will have adequate staff (either supplied by an agency or employed by it), will be provided adequate quarters, and will have funds available to meet its other necessary expenses.

- (a) To the extent they are applicable, the guidelines set out in subsection
- (b) of this section shall be followed by the President, agency heads, or other Federal officials in creating an advisory committee.

s 6. Responsibilities of the President; report to Congress; annual report to Congress; exclusion

- (a) The President may delegate responsibility for evaluating and taking action, where appropriate, with respect to all public recommendations made to him by Presidential advisory committees.
- (b) Within one year after a Presidential advisory committee has submitted a public report to the President, the President or his delegate shall make a report to the Congress stating

either his proposals for action or his reasons for inaction, with respect to the recommendations contained in the public report.

(c) The President shall, not later than December 31 of each year, make an annual report to the Congress on the activities, status, and changes in the composition of advisory committees in existence during the preceding fiscal year. The report shall contain the name of every advisory committee, the date of and authority for its creation, its termination date or the date it is to make a report, its functions, a reference to the reports it has submitted, a statement of whether it is an ad hoc or continuing body, the dates of its meetings, the names and occupations of its current members, and the total estimated annual cost to the United States to fund, service, supply, and maintain such committee. Such report shall include a list of those advisory committees abolished by the President, and in the case of advisory committees established by statute, a list of those advisory committees which the President recommends be abolished together with his reasons therefor. The President shall exclude from this report any information which, in his judgment, should be withheld for reasons of national security, and he shall include in such report a statement that such information is excluded.

s 7. Responsibilities of the Administrator of General Services; Committee Management Secretariat, establishment; review; recommendations to President and Congress; agency cooperation; performance guidelines; uniform pay guidelines; travel expenses; expense recommendations

(a) The Administrator shall establish and maintain within the General Services Administration a Committee Management Secretariat, which shall be responsible for all matters relating to advisory committees.

(b) The Administrator shall, immediately after October 6, 1972, institute a comprehensive review of the activities and responsibilities of each advisory committee to determine--

- (1) whether such committee is carrying out its purpose;
- (2) whether, consistent with the provisions of applicable statutes, the responsibilities assigned to it should be revised;
- (3) whether it should be merged with other advisory
- (4) whether it should be abolished.

The Administrator may from time to time request such information as he deems necessary to carry out his functions under this subsection. Upon the completion of the Administrator's review he shall make recommendations to the President and to either the agency head or the Congress with respect to action he believes should be taken. Thereafter, the Administrator shall carry out a similar review annually. Agency heads shall cooperate with the Administrator in making the reviews required by this subsection.

(c) The Administrator shall prescribe administrative guidelines and management controls applicable to advisory committees, and, to the maximum extent feasible, provide advice, assistance, and guidance to advisory committees to improve their performance. In carrying out his functions under this subsection, the Administrator shall consider the recommendations of each agency head with respect to means of improving the performance of advisory committees whose duties are related to such agency.

(d)(1) The Administrator after study and consultation with the Director of the Office of Personnel Management, shall establish guidelines with respect to uniform fair rates of pay for comparable services of members, staffs, and consultants of advisory committees in a manner which gives appropriate recognition to the responsibilities and qualifications required and other relevant factors. Such regulations shall provide that--

(A) no member of any advisory committee or of the staff of any advisory committee shall receive compensation at a rate in excess of the rate specified for GS-18 of the General Schedule under section 5332 of title 5, United States Code;

(B) such members, while engaged in the performance of their duties away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons employed intermittently in the Government service; and

(C) such members--

(i) who are blind or deaf or who otherwise qualify as handicapped individuals (within the meaning of section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 794)), and

(ii) who do not otherwise qualify for assistance under section 3102 of Title 5, by reason of being an employee of an agency (within the meaning of section 3102(a)(1) of such Title 5), may be provided services pursuant to section 3102 of such Title 5 while in performance of their advisory committee duties.

(2) Nothing in this subsection shall prevent--

(A) an individual who (without regard to his service with an advisory committee) is a full-time employee of the United States, or

(B) an individual who immediately before his service with an advisory committee was such an employee, from receiving compensation at the rate at which he otherwise would be compensated (or was compensated) as a full-time employee of the United States. (e) The Administrator shall include in budget recommendations a summary of the amounts he deems necessary for the expenses of advisory committees, including the expenses for publication of reports where appropriate.

s 8. Responsibilities of agency heads; Advisory Committee Management Officer, designation

(a) Each agency head shall establish uniform administrative guidelines and management controls for advisory committees established by that agency, which shall be consistent with directives of the Administrator under section 7 and section 10. Each agency shall maintain systematic information on the nature, functions, and operations of each advisory committee within its jurisdiction.

(b) The head of each agency which has an advisory committee shall designate an Advisory Committee Management Officer who shall--

(1) exercise control and supervision over the establishment, procedures, and accomplishments of advisory committees established by that agency;

(2) assemble and maintain the reports, records, and other papers of any such committee during its existence; and

(3) carry out, on behalf of that agency, the provisions of section 552 of title 5, United States Code, with respect to such reports, records, and other papers.

s 9. Establishment and purpose of advisory committees; publication in Federal Register; charter: filing, contents, copy

(a) No advisory committee shall be established unless such establishment is--

(1) specifically authorized by statute or by the President; or

(2) determined as a matter of formal record, by the head of the agency involved after consultation with the Administrator with timely notice published in the Federal Register, to be in the public interest in connection with the performance of duties imposed on that agency by law.

(b) Unless otherwise specifically provided by statute or Presidential directive, advisory committees shall be utilized solely for advisory functions. Determinations of action to be taken and policy to be expressed with respect to matters upon which an advisory committee reports or makes recommendations shall be made solely by the President or an officer of the Federal Government.

(c) No advisory committee shall meet or take any action until an advisory committee charter has been filed with (1) the Administrator, in the case of Presidential advisory committees, or (2) with the head of the agency to whom any advisory committee reports and with the standing committees of the Senate and of the House of Representatives having legislative jurisdiction of such agency. Such charter shall contain the following information:

- (A) the committee's official designation;
- (B) the committee's objectives and the scope of its activity;
- (C) the period of time necessary for the committee to carry out its purposes;
- (D) the agency or official to whom the committee reports;
- (E) the agency responsible for providing the necessary support for the committee;
- (F) a description of the duties for which the committee is responsible, and, if such duties are not solely advisory, a specification of the authority for such functions;
- (G) the estimated annual operating costs in dollars and man-years for such committee;
- (H) the estimated number and frequency of committee meetings;
- (I) the committee's termination date, if less than two years from the date of the committee's establishment; and
- (J) the date the charter is filed.

A copy of any such charter shall also be furnished to the Library of Congress.

s 10. Advisory committee procedures; meetings; notice, publication in Federal Register; regulations; minutes; certification; annual report; Federal officer or employee, attendance

- (a) (1) Each advisory committee meeting shall be open to the public.
- (2) Except when the President determines otherwise for reasons of national security, timely notice of each such meeting shall be published in the Federal Register, and the Administrator shall prescribe regulations to provide for other types of public notice to insure that all interested persons are notified of such meeting prior thereto.

(3) Interested persons shall be permitted to attend, appear before, or file statements with any advisory committee, subject to such reasonable rules or regulations as the Administrator may prescribe.

(b) Subject to section 552 of title 5, United States Code, the records, reports, transcripts, minutes, appendixes, working papers, drafts, studies, agenda, or other documents which were made available to or prepared for or by each advisory committee shall be available for public inspection and copying at a single location in the offices of the advisory committee or the agency to which the advisory committee reports until the advisory committee ceases to exist.

(c) Detailed minutes of each meeting of each advisory committee shall be kept and shall contain a record of the persons present, a complete and accurate description of matters discussed and conclusions reached, and copies of all reports received, issued, or approved by the advisory committee. The accuracy of all minutes shall be certified to by the chairman of the advisory committee.

(d) Subsections (a)(1) and (a)(3) of this section shall not apply to any portion of an advisory committee meeting where the President, or the head of the agency to which the advisory committee reports, determines that such portion of such meeting may be closed to the public in accordance with subsection (c) of section 552b of title 5, United States Code. Any such determination shall be in writing and shall contain the reasons for such determination. If such a determination is made, the advisory committee shall issue a report at least annually setting forth a summary of its activities and such related matters as would be informative to the public consistent with the policy of section 552(b) of title 5, United States Code.

(e) There shall be designated an officer or employee of the Federal Government to chair or attend each meeting of each advisory committee. The officer or employee so designated is authorized, whenever he determines it to be in the public interest, to adjourn any such meeting. No advisory committee shall conduct any meeting in the absence of that officer or employee.

(f) Advisory committees shall not hold any meetings except at the call of, or with the advance approval of, a designated officer or employee of the Federal

s 11. Availability of transcripts; "agency proceeding"

(a) Except where prohibited by contractual agreements entered into prior to the effective date of this Act, agencies and advisory committees shall make available to any person, at actual cost of duplication, copies of transcripts of agency proceedings or advisory committee meetings.

(b) As used in this section "agency proceeding" means any proceeding as defined in section 551(12) of title 5, United States Code.

s 12. Fiscal and administrative provisions; record keeping; audit; agency support services

(a) Each agency shall keep records as will fully disclose the disposition of any funds which may be at the disposal of its advisory committees and the nature and extent of their activities. The General Services Administration, or such other agency as the President may designate, shall maintain financial records with respect to Presidential advisory committees. The Comptroller General of the United States, or any of his authorized representatives, shall have access, for the purpose of audit and examination, to any such records.

(b) Each agency shall be responsible for providing support services for each advisory committee established by or reporting to it unless the establishing authority provides otherwise. Where any such advisory committee reports to more than one agency, only one agency shall be responsible for support services at any one time. In the case of Presidential advisory committees, such services may be provided by the General Services Administration.

s 13. Responsibilities of Library of Congress; reports and background papers; depository

Subject to section 552 of title 5, United States Code, the Administrator shall provide for the filing with the Library of Congress of at least eight copies of each report made by every advisory committee and, where appropriate, background papers prepared by consultants. The Librarian of Congress shall establish a depository for such reports and papers where they shall be available to public inspection and use.

s 14. Termination of advisory committees; renewal; continuation

(a) (1) Each advisory committee which is in existence on the effective date of this Act shall terminate not later than the expiration of the two-year period following such effective date unless--

(A) in the case of an advisory committee established by the President or an officer of the Federal Government, such advisory committee is renewed by the President or that officer by appropriate action prior to the expiration of such two-year period; or

(B) in the case of an advisory committee established by an Act of Congress, its duration is otherwise provided for by law.

(2) Each advisory committee established after such effective date shall terminate not later than the expiration of the two-year period beginning on the date of its establishment unless--

(A) in the case of an advisory committee established by the President or an officer of the Federal Government such advisory committee is renewed by the President or such officer by appropriate action prior to the end of such period; or

(B) in the case of an advisory committee established by an Act of Congress, its duration is otherwise provided for by law.

(b) (1) Upon the renewal of any advisory committee, such advisory committee shall file a charter in accordance with section 9(c).

(2) Any advisory committee established by an Act of Congress shall file a charter in accordance with such section upon the expiration of each successive two-year period following the date of enactment of the Act establishing such advisory committee.

(3) No advisory committee required under this subsection to file a charter shall take any action (other than preparation and filing of such charter) prior to the date on which such charter is filed.

(c) Any advisory committee which is renewed by the President or any officer of the Federal Government may be continued only for successive two-year periods by appropriate action taken by the President or such officer prior to the date on which such advisory committee would otherwise terminate.

s 15. Effective date

Except as provided in section 7(b), this Act shall become effective upon the expiration of ninety days following October 6, 1972.

Appendix F

Department of Defense Directive 5105.4

September 5, 1989

DA&M

SUBJECT: Department of Defense Federal Advisory Committee Management Program

References: (a) Public Law 92-463, "Federal Advisory Committee Act," October 6, 1972, Title United States Code Annotated, Appendix 2

(b) Title 41, Code of Federal Regulations, Part 101-6.10, General Services Administration Final Rule, "Federal Advisory Committee Management," December 2, 1987

(c) DoD Directive 5105.18, "DoD Committee Management Program," March 20, 1984 (under revision)

(d) DoD Directive 4205.2, "DoD Contracted Advisory and Assistance Services (CAAS)," January 27, 1986

(e) DoD Directive 5500.7, "Standards of Conduct," May 6, 1987

(f) Title 5, United States Code, Section 552b, "Government in the Sunshine Act"

(g) DoD Directive 7750.5, "Management and Control of Information Requirements," August 7, 1986

1. PURPOSE

This Directive implements reference (a) by establishing policies and assigning responsibilities for the administration of the Federal Advisory Committee Act (FACA) within the Department of Defense.

2. APPLICABILITY

This Directive applies to the Office of the Secretary of Defense (OSD), the Military Departments, the Joint Chiefs of Staff (JCS), the Joint Staff, the Unified and Specified Commands, the Defense Agencies, and the DoD Field Activities (hereafter referred to collectively as "DoD Components"). For the OSD, the Director of Administration and Management (DA&M) is designated to carry out the functions and responsibilities of the

component head.

3. DEFINITION

3.1. Federal Advisory Committee. Any committee, board, commission, council, conference, panel, task force, or other similar group, or any subcommittee or subgroup thereof (that is not composed wholly of full-time employees of the Federal Government), that is established by statute, or established or utilized by the President or any agency official for obtaining advice or recommendations.

4. POLICY

4.1. Advisory committees shall be established and administered consistent with the FACA (reference (a)), the General Services Administration (GSA) Final Rule (reference (b)), and this Directive. They shall be established only when they are determined to be essential, and their number should be kept to an absolute minimum. Advisory committees shall be terminated when they are no longer carrying out the purpose for which they were intended.

4.2. Committees, other than DoD Federal advisory committees, shall be established consistent with the provisions of DoD Directive 5105.18 (reference (c)).

4.3. Excluded from coverage of the FACA are the following:

4.3.1. Any committee composed wholly of full-time employees of the Federal Government.

4.3.2. Any advisory committee exempted by an Act of Congress.

4.3.3. Any local civic group whose primary function is that of rendering a public service with respect to a Federal program, or any State or local committee, council, board, commission, or similar group established to advise or make recommendations to State or local officials.

4.3.4. Any committee established to perform primarily operational, as opposed to advisory, functions.

4.3.5. Any meeting initiated by the President or one or more Federal officials for obtaining advice or recommendations from one individual.

4.3.6. Any meeting initiated by one or more Federal officials with more than one individual for obtaining the advice of individual attendees and not for the purpose of utilizing the group to get consensus advice or recommendations.

4.3.7. Any meeting initiated by a group with the President or one or more Federal officials for expressing the group's view, provided that the President or Federal official(s) does not use the group recurrently as a preferred source of advice or recommendations.

4.3.8. Meetings of two or more advisory committee or subcommittee members convened solely to gather information or conduct research for a chartered advisory committee, to analyze relevant issues and facts, or to draft proposed position papers for deliberation by the advisory committee or a subcommittee of the advisory committee.

4.3.9. Any meeting with a group initiated by the President or one or more Federal officials for exchanging facts or information.

4.4. Advisory committees may not be established to make decisions, conduct agency operations, or perform functions that can be carried out by existing agency staffs.

4.5. Membership of each advisory committee shall be balanced in terms of the points of view represented and the functions to be performed. Committee sponsors shall develop criteria for membership consistent with committee requirements and document the reasons for membership selections.

4.6. Except when otherwise specified by the President or Congress, membership on DoD advisory committees must be approved by the Secretary of Defense, Deputy Secretary, or their designee. Individuals may not serve as advisory committee members for more than four years, unless an extension is approved by one of these officials.

4.7. All non-Federal Government advisory committee members must be appointed as individual consultants. These appointments must be made annually, consistent with enclosure E2.of DoD Directive 4205.2 (reference (d)).

4.8. Non-Federal Government advisory committee members shall be encouraged to serve without compensation. Before a committee member may be compensated, the head of the activity to whom the committee reports must certify that appointment of the member is essential to obtain the necessary balance or expertise and that, without compensation, the member is not available. Approvals for compensation shall be granted by the heads of the DoD Components or their designees.

4.9. Non-Federal Government advisory committee members being compensated at a basic rate of pay equal to, or greater than, General Schedule (GS) -16 (step 1), and expected to serve more than 60 days during a calendar year, must file Standard Form (SF) 278 (Executive Personnel Financial Disclosure report) prior to appointment. Other advisory committee members, including those serving without compensation, must file Defense Department (DD) Form 1555 (Confidential Statement of Affiliations and Financial Interests) prior to appointment. Further information on filing of financial disclosure reports by special government employees is contained in DoD Directive 5500.7 (reference (e)).

4.10. For each advisory committee, a Federal officer or employee shall be designated to approve or call each meeting, approve the agenda, attend each meeting, and adjourn meetings when he or she determines it to be in the public interest.

4.11. Timely notice of advisory committee meetings shall be published in the Federal Register and such meetings shall be open to the public.

4.12. The heads of DoD Components, or their designees, may close all or part of an advisory committee meeting to the public, in coordination with the cognizant general counsel, citing the appropriate provisions of 5 U.S.C. 552b (reference (f)) that justify the closure. Determinations to close meetings shall be in writing and a summary of meeting activities shall be prepared.

4.13. Reports, records, and minutes of advisory committee meetings and other activities shall be maintained and/or submitted consistent with the FACIA (reference (a)) and the GSA Final Rule (reference (b)).

5. RESPONSIBILITIES

5.1. The Director of Administration and Management, Office of the Secretary of Defense (DA&M, OSD), shall:

5.1.1. Provide guidance on policies and procedures for the establishment and administration of DoD advisory committees.

5.1.2. Ensure that DoD advisory committees are established and administered consistent with references (a) and (b), and this Directive.

5.1.3. Designate a Committee Management Officer who shall carry out the policies contained in references (a) and (b), and this Directive.

5.1.4. Represent the Department of Defense and maintain liaison with the GSA and other government Agencies on matters involving DoD advisory committees.

5.1.5. Periodically review the operations and records of DoD advisory committees for conformance to applicable laws, policies, and regulations.

5.1.6. Review annually the need to continue each existing advisory committee, consistent with the public interest and the intended purpose of the committee.

5.1.7. Review each advisory committee prior to the expiration of its two-year charter and determine the need for renewal, consistent with the provisions of Section 14 of the FACA (reference (a)).

5.1.8. Obtain reports and information on DoD advisory committees consistent with the FACA (reference (a)), the GSA Final Rule (reference (b)), this Directive, and DoD Directive 7750.5 (reference (g)).

5.2. The Heads of DoD Components, their designees, or OSD officials sponsoring advisory committees shall:

5.2.1. Ensure that DoD advisory committees under their cognizance are established and administered consistent with references (a) and (b), and this Directive.

5.2.2. Submit requests for establishment, revision, and notification of terminations of advisory committees to the DA&M.

5.2.3. Designate a Committee Management Officer to carry out assigned advisory committee responsibilities for the Component.

5.2.4. In coordination with the cognizant general counsel, make a determination, in writing, that all or part of an advisory committee meeting be closed to the public.

5.2.5. Approve compensation for non-Federal Government advisory committee members. For OSD, the DA&M shall be the approving authority.

5.2.6. Maintain information about the membership and activities of advisory committees under their cognizance, consistent with references (a) and (b), and this Directive.

5.2.7. Submit the reports required by references (a), (b), and (e) to the appropriate offices.

6. EFFECTIVE DATE: This Directive is effective immediately.

Appendix G

Procedures For Establishing And Operating DOD Federal Advisory Committees

- REFERENCES:
 - P.L. 92-463, the "Federal Advisory Committee Management Act" (FACA)
 - 41 CFR Part 101-6, Federal Advisory Committee Management; Final Rule
 - OMB Circular A-135, "Management of Federal Advisory Committees," October 5, 1994
 - DoD Directive 5105.4, "DoD Federal Advisory Committee Management Program," September 5, 1989
- DEFINITION OF FEDERAL ADVISORY COMMITTEE: Any committee, board, commission, council, conference, panel, task force, or similar group, or any subcommittee or subgroup thereof (that is not composed wholly of full-time employees of the Federal Government), that is established by statute, or established or utilized by the President, or any agency official for obtaining advice or recommendations.
- ESTABLISHMENT:
 - **The Director, Administration and Management (DA&M), OSD, is responsible for the establishment and administration of federal advisory committees within the DoD.**
 - For any new DoD advisory committee proposed for establishment by Agency authority (i.e., a discretionary committee), the process requires that the DA&M forward a memorandum both to the Office of Management and Budget seeking concurrence, and to the Committee Management Secretariat, General Services Administration, as part of a consultative/coordination process. The memorandum will be based on data provided to the DA&M by the sponsor (Heads of DoD Components, their designees or OSD officials) of the proposed committee and will include:

-- Justification for the establishment of the committee, to include information on whether or not the DoD discretionary committee ceiling will be affected and the action proposed to accommodate/resolve the ceiling adjustment, if necessary.

-- An indication of how the committee will be balanced in terms of the functions to be performed, points of view to be considered, and the various disciplines and societal sectors to be represented, as dictated by the scope and nature of the committee.

-- A statement of why the committee will be in the public interest.

-- A statement indicating that there are no existing DoD staffs or committees performing equivalent functions.

-- An estimate of annual costs for the committee.

-- A copy of the charter for the proposed committee. A sample charter can be obtained from the Director, Administration and Management (DA&M), OSD.

-- A copy of this memorandum is sent to the Office of Management and Budget (OMB) for review concurrently with GSA.

- After GSA responds positively to our proposal, a notice of establishment is published in the Federal Register by the DA&M.

- Fifteen days after the date of publication, copies of the committee's charter will be filed with the Senate and House Armed Services Committees, any other Congressional committees deemed necessary by the sponsor, and the Library of Congress. This filing date becomes the establishment date for the committee. Copies of the dated charter are also sent to GSA for their information.

- For statutorily-mandated or Presidential advisory committees sponsored in DoD, this coordination/consultation process with OMB/GSA/ is not required. The draft charter and justification cover memo is prepared by the DoD sponsor and sent to DA&M for review and approval. (Presidential advisory committees usually are authorized by an executive order.) DA&M establishes the charter data and files the charter with the Congressional committees, Library of Congress, and GSA.

- **No DoD advisory committee, whether statutory, Presidential or Secretary of Defense-initiated, may meet or take any action until the charter is filed.** Advisory committees established by legislation or executive order are subject to all of the administrative requirements of the Act.

- **APPOINTMENT OF MEMBERS:**

- Except when otherwise specified by the President or Congress, **membership on DoD advisory committees must be approved by the Secretary of Defense, Deputy Secretary, or their designee.** Individuals may not serve as advisory committee members for more than four years, unless an extension is approved by one of these officials.

- **All non-Federal Government advisory committee members must be appointed as individual consultants** (special government employees). These appointments must be made annually, consistent with OSD Administrative Instruction No. 2, Employment of Experts and Consultants, January 6, 1989.

- **Non-Federal government advisory committee members shall be encouraged to serve without compensation.** Before a committee member may be compensated, the head of the activity to whom the committee reports must certify that appointment of the member is essential to obtain the necessary balance of expertise and that, without compensation, the member is not available. Approvals for compensation shall be granted by the heads of the DoD Components or their designees.

- Non-Federal Government advisory committee members being compensated at a basic rate of pay equal to, or greater than, General Schedule (GS)-16 (step 1), and expected to serve more than 60 days during a calendar year, must file Standard Form (SF) 278 (Executive Personnel Financial Disclosure report) prior to appointment. Other advisory committee members, including those serving without compensation, must file Defense Department (DD) Form 1555 (Confidential Statement of Affiliations and Financial Interests) prior to appointment.

- **MEETINGS:**

- FACA requires that all meetings shall be open to the public, with certain authorized exceptions, as discussed below.

- A timely notice of each meeting shall be published in the Federal Register. Timely notice has been determined by GSA to be 15 days.

- Subject to section 552 of Title 5, U.S.C., the records, reports, minutes, etc., of each committee shall be available for public inspection until the advisory committee ceases to exist.

- **Detailed minutes of each meeting shall be kept** and shall contain a record of the persons present, a complete and accurate description of matters discussed an conclusions

reached, and copies of all reports received, issued, or approved by the advisory committee. The accuracy of all minutes shall be certified to by the chairperson of each committee or subcommittee.

- If a meeting is to be closed, or partially closed, a **determination shall be made in writing**, citing that portion of section 552b of Title 5 U.S.C. which is relevant. Determinations will be concurred in by the appropriate General Counsel or JAG office and are to be signed by an appropriate sponsoring official at least 30 days prior to the meeting date. The meeting notice published in the Federal Register should reiterate in an abbreviated form the reasons contained in the determination to close the meeting.

- **DoD advisory committees holding closed meetings (in whole or in part) must prepare a report at least annually** setting forth a summary of their activities and such related matters as would be informative to the public. The DA&M makes an annual request at the end of the calendar year to all committee sponsors whose committees held closed meetings, asking that they provide these reports, which are then forwarded to the Library of Congress.

- A **designated officer** or employee of the federal government (DFO) shall chair or attend each meeting. The DFO so designated in writing by the sponsoring official is authorized, whenever he determines it to be in the public interest, to adjourn any such meeting. No advisory committee shall conduct any meeting in the absence of that officer or employee. The DFO also is instrumental in calling or approving meetings, as well as the agenda for the meetings.

- **RECORDS AND REPORTS**

- Reports, records, and minutes of advisory committee meetings and other activities shall be maintained and/or submitted consistent with the FACA and the GSA Final Rule. These data, including financial records of travel/per diem activities, pay vouchers, contract payments, etc., must be maintained on file in the office of the sponsoring DoD components for potential review or inspection by oversight agencies or the public.

- **The FACA specifically requires that eight copies of each report developed/prepared by advisory committees be sent to the Library of Congress.**

- In the DoD, the responsibility for submitting these reports rests with the DoD Components sponsoring the advisory committees.

- Additionally, the FACA requires that the President make an annual (fiscal year) report to the Congress concerning advisory committee activities. This report includes statistical and administrative information such as the number and dates of meetings and number and titles of reports, number of committee members, committee costs, etc. GSA assembles this report for the President annually, using information furnished by the DoD and other agencies on forms designed by GSA.

- REVIEWS:

- The FACA requires that a comprehensive review of all agency-established federal advisory committees be completed annually. This is intended to be a qualitative analysis of the need for continuation of each committee. In recent years we have been able to accomplish both the annual report and the comprehensive review at the same time.

- Additionally, the DA&M conducts a compliance review program covering all DoD advisory committees. The reviews are done on a cyclical basis, ensuring that each DoD advisory committee is reviewed on-site at least once every three years. The reviews evaluate all aspects of the management, operation and administration of these committees for compliance with the FACA, the GSA Final Rule, and DoD Directives and related policy issuances.

- RENEWAL OF ADVISORY COMMITTEES:

- If a discretionary advisory committee is to continue functioning, it must be renewed every two years. Essentially, this requires providing the same sort of justification to GSA (and OMB) used in the establishment process, plus a summary of recent committee accomplishments. After a positive response is received from GSA, copies of the committee's charter are filed with the appropriate Congressional committees, the Library of Congress, and GSA, and a notice of renewal is published in the Federal Register.

- Advisory committees established by statute are renewed by filing a copy of their charter with the appropriate Congressional Committees, the Library of Congress, and GSA every two years. No further justification is required.

-Presidential committees established by executive order are renewed by publishing a new executive order. Charters are also filed in the same manner as the statutory committees.

- TERMINATION:

- DoD advisory committees will automatically terminate not later than two years after they are established, reestablished, or renewed unless: their duration is otherwise provided for by law; they are renewed prior to the end of the two-year period; or, they are terminated prior to that time by revoking or abolishing their establishment authority.

- For statutorily-mandated advisory committees continuation or termination is determined by the specific language of the governing law or the intent of Congress in establishing the committee. Where specific deadlines or time periods are set down for submission of reports or publishing of findings, etc., the committees are usually of an ad-hoc nature and should be terminated shortly thereafter. However, where there are no such specific deadlines or time periods provided, the committees may continue indefinitely under the current FACA and GSA Final Rule guidance. Charter renewals, in any case, must be done every two years. **No committees can meet without a current ("live") charter.**

Appendix H

In 1976, Executive Order 12024 delegated to the Administrator of the General Services-Administrative all responsibilities of the President for implementing the act.

EXECUTIVE ORDER NO. 12024

TRANSFER OF CERTAIN ADVISORY COMMITTEE FUNCTIONS

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, including the Federal Advisory Committee Act, as amended (5 U.S.C. App. I) [this Appendix], Section 301 of Title 3 of the United States Code [section 301 of Title 3, The President], Section 202 of the Budget and Accounting Procedures Act of 1950 (31 U.S.C. 581c) [section 581c of Title 31, Money and Finance], and Section 7 of Reorganization Plan No. 1 of 1977 (42 FR 56101 (October 21, 1977)) [set out in Appendix II of this title], and as President of the United States of America, in accord with the transfer of advisory committee functions from the Office of Management and Budget to the General Services Administration provided by Reorganization Plan No. 1 of 1977 [set out in Appendix II of this title], it is hereby ordered as follows:

Section 1. The transfer, provided by Section 5F of Reorganization Plan No.1 of 1977 (42 FR 56101) [set out in Appendix II of this title], of certain functions under the Federal Advisory Committee Act, as amended (5 U.S.C.App. I) [this appendix], from the Office of Management and Budget and its Director to the Administrator of General Services is hereby effective.

Sec. 2. There is hereby delegated to the Administrator of General Services all the functions vested in the President by the Federal Advisory Committee Act, as amended, except that, the annual report to the Congress required by Section 6(c) of that Act [section 6(c) of this Appendix] shall be prepared by the Administrator for the President's consideration and transmittal to the Congress.

Sec. 3. The Director of the Office of Management and Budget shall take all actions necessary or appropriate to effectuate the transfer of functions provided in this Order, including the transfer of funds, personnel and positions, assets, liabilities, contracts, property, records, and other items related to the functions transferred.

Sec. 4. Executive Order No. 11769 of February 21, 1974 is hereby revoked.

Sec. 5. Any rules, regulations, orders, directives, circulars, or other actions taken pursuant to the functions transferred or reassigned as provided in this Order from the Office of Management and Budget to the Administrator of General Services, shall remain in effect as if issued by the Administrator until amended, modified, or revoked.

Sec. 6. This Order shall be effective November 20, 1977.

JIMMY CARTER

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